

# **SUPPLEMENT**

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### **OFFICIAL DOCUMENTS**

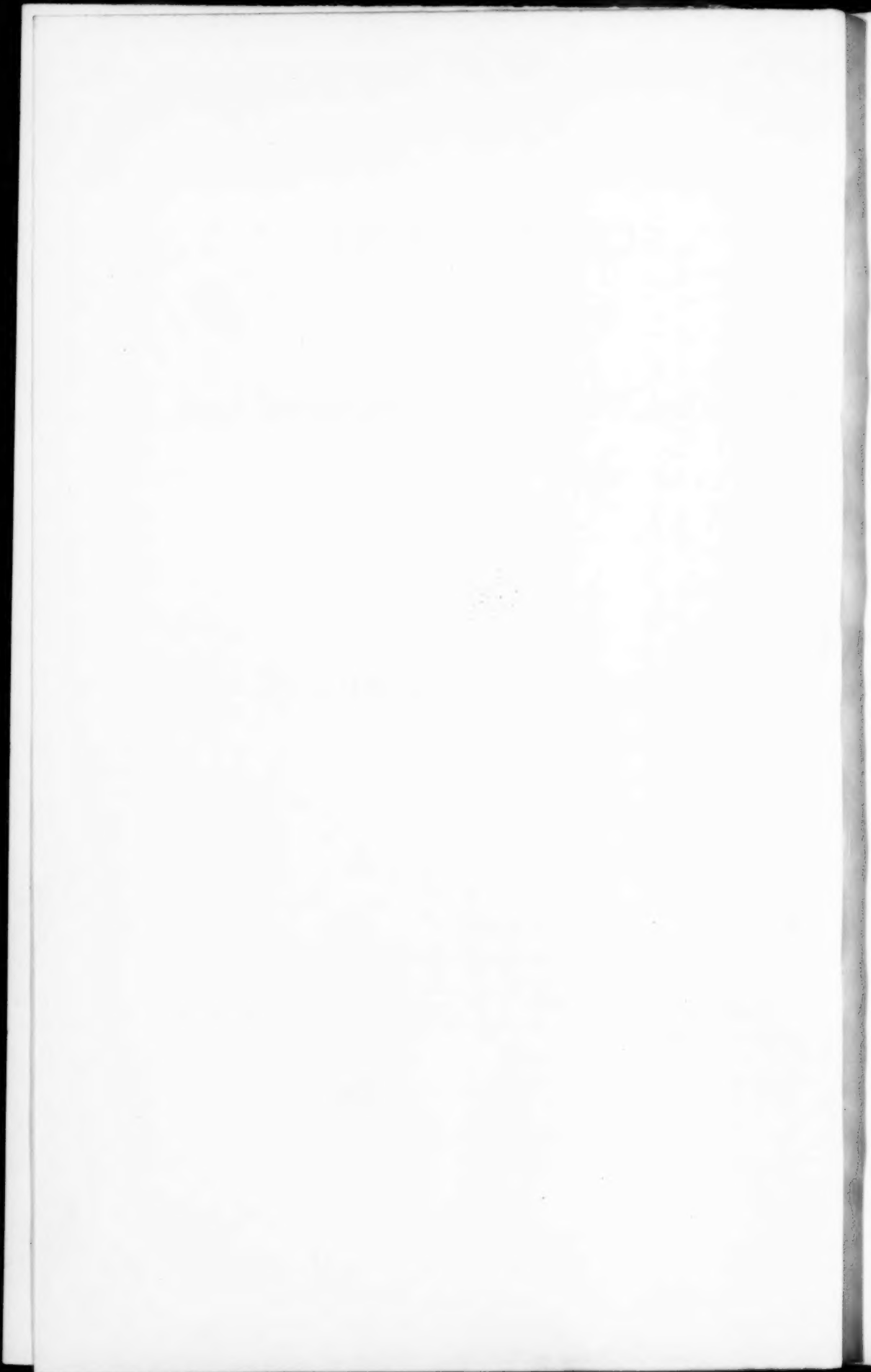
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**OFFICIAL DOCUMENTS**  
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## OFFICIAL DOCUMENTS

### TREATY WITH TURKEY AND OTHER INSTRUMENTS SIGNED AT LAUSANNE JULY 24, 1923<sup>1</sup>

#### FINAL ACT

The Governments of the British Empire, France and Italy, in agreement with the Government of Japan, being desirous of finally reestablishing peace in the East, and having invited on the one hand Greece, Roumania, the Serb-Croat-Slovene State, and also the United States of America, and on the other hand Turkey, to examine together the arrangements by which a result equally desired by all the nations might be achieved;

And considering further that among the subjects falling to be dealt with by this conference the question of the Straits ought to be specially examined, Bulgaria and Russia, as littoral Powers of the Black Sea, being invited to participate in the negotiations and the decisions to be taken;

And having decided that Belgium and Portugal should be allowed to take part in the discussion on the economic and financial questions which arose for those two Powers from the state of war in the East;

In consequence the delegates hereafter mentioned met at Lausanne:

#### FOR THE BRITISH EMPIRE:

The Most Honorable George Nathaniel, Marquess Curzon of Kedleston,  
K.G., G.C.S.I., G.C.I.E., Secretary of State for Foreign Affairs;  
The Right Honorable Sir Horace George Montagu Rumbold, Baronet,  
G.C.M.G., High Commissioner at Constantinople;

#### FOR FRANCE:

M. Camille Barrère, Ambassador of the French Republic to His Majesty  
the King of Italy, Grand Cross of the National Order of the Legion  
of Honor;  
M. Maurice Bompard, Senator, Ambassador of France, Grand Officer  
of the National Order of the Legion of Honor;  
General Maurice Pellé, Ambassador of France, High Commissioner of  
the Republic in the East, Grand Officer of the National Order of the  
Legion of Honor;

#### FOR ITALY:

The Honorable Marquis Camillo Garroni, Senator of the Kingdom,  
Ambassador of Italy, High Commissioner at Constantinople, Grand  
Cross of the Orders of Saints Maurice and Lazarus, and of the Crown  
of Italy;

<sup>1</sup> British Treaty Series, No. 16 (1923). Space permits printing only a part of these documents in the present SUPPLEMENT. The remainder will be printed in the next issue.—Ed.

M. Giulio Cesare Montagna, Envoy Extraordinary and Minister Plenipotentiary at Athens, Commander of the Order of Saints Maurice and Lazarus, Grand Officer of the Crown of Italy;

FOR JAPAN:

Baron Hayashi, Junii, First Class of the Order of the Rising Sun, Ambassador Extraordinary and Plenipotentiary at London;

Mr. Kentaro Otchiai, Jusammi, First Class of the Order of the Rising Sun, Ambassador Extraordinary and Plenipotentiary at Rome;

FOR GREECE:

M. Eleftherios K. Veniselos, formerly President of the Council of Ministers, Grand Cross of the Order of the Savior;

M. Demetrios Caclamanos, Minister Plenipotentiary at London, Commander of the Order of the Savior;

FOR ROUMANIA:

M. Ion G. Duca, Minister for Foreign Affairs;

M. Constantine I. Diamanday, Minister Plenipotentiary;

M. Constantine Contzesco, Minister Plenipotentiary;

FOR THE SERB-CROAT-SLOVENE STATE

M. Montchilo Nintchitch, Minister for Foreign Affairs;

M. Miroslav Spalaikovitch, Envoy Extraordinary and Minister Plenipotentiary at Paris;

M. Milan Rakitch, Envoy Extraordinary and Minister Plenipotentiary at Sofia;

Dr. Milutin Yovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Berne;

FOR THE UNITED STATES OF AMERICA:

The Honorable Richard Washburn Child, Ambassador of the United States at Rome;

Rear Admiral Mark L. Bristol, High Commissioner of the United States at Constantinople;

The Honorable Joseph C. Grew, Minister of the United States at Berne;

FOR TURKEY:

Ismet Pasha, Minister for Foreign Affairs, Deputy for Adrianople;

Dr. Riza Nour Bey, Minister for Health and for Public Assistance, Deputy for Sinope;

Hassan Bey, formerly Minister, Deputy for Trebizond;

FOR BULGARIA:

M. Alexander Stamboliisky, President of the Council, Minister for Foreign Affairs;

M. Dimitri Stancioff, Doctor of Law, Envoy Extraordinary and Minister Plenipotentiary at London, Grand Cross of the Order of Saint Alexander;

M. Kosta Todoroff, Envoy Extraordinary and Minister Plenipotentiary at Belgrade;



Subsequently:

M. Bogdan Morphoff, formerly Minister of Railways, Posts and Telegraphs;

FOR RUSSIA:

M. George V. Chicherin;  
M. Christian G. Rakovsky;  
M. Polikarp G. Mdivani;  
M. Watzlaw W. Vorowski;

FOR BELGIUM:

M. F. Peltzer, Officer of the Order of Leopold, Envoy Extraordinary and Minister Plenipotentiary at Berne;

FOR PORTUGAL:

M. Antonio Maria Bartholomew Ferreira, Envoy Extraordinary and Minister Plenipotentiary at Berne, Commander of the Order of Saint James and the Sword.

As the result of meetings held between the 20th November, 1922, and the 24th July, 1923, during which certain other Powers had the opportunity of presenting their views on the questions which they considered of interest to themselves, the instruments hereafter mentioned have been drawn up:—

- I. Treaty of peace, signed the 24th July, 1923.
- II. Convention respecting the régime of the Straits, signed the 24th July, 1923.
- III. Convention respecting the Thracian frontiers, signed the 24th July, 1923.
- IV. Convention respecting conditions of residence and business and jurisdiction, signed the 24th July, 1923.
- V. Commercial convention, signed the 24th July, 1923.
- VI. Convention respecting the exchange of Greek and Turkish populations, and protocol, signed the 30th January, 1923.
- VII. Græco-Turkish agreement on the restitution of interned civilians and the exchange of prisoners of war, signed the 30th January, 1923.
- VIII. Amnesty declaration, and protocol, signed the 24th July, 1923.
- IX. Declaration relating to Moslem properties in Greece, signed the 24th July, 1923.
- X. Declaration relating to sanitary matters, signed the 24th July, 1923.
- XI. Declaration relating to the administration of justice, signed the 24th July, 1923.
- XII. Protocol relating to certain concessions granted in the Ottoman Empire, and declaration, signed the 24th July, 1923.
- XIII. Protocol relating to the accession of Belgium and Portugal to certain provisions of instruments signed at Lausanne, and declarations of these two Powers concerning such accession, signed the 24th July, 1923.

- XIV. Protocol relating to the evacuation of the Turkish territory occupied by the British, French and Italian forces, and declaration, signed the 24th July, 1923.
- XV. Protocol relating to the Karagatch territory and to the islands of Imbros and Tenedos, signed by the British Empire, France, Italy, Japan, Greece and Turkey on the 24th July, 1923.
- XVI. Protocol, signed on the 24th July, 1923, relating to the treaty, concluded at Sèvres between the Principal Allied Powers and Greece on the 10th August, 1920, concerning the protection of minorities in Greece, and to the treaty relating to Thrace concluded on the same day between the same Powers.
- XVII. Protocol relating to signature by the Serb-Croat-Slovene State, signed the 24th July, 1923.

The originals of the above-mentioned instruments, as well as of the present act, shall remain deposited in the archives of the Government of the French Republic, and certified copies of each shall be delivered by that Government to the Powers which signed or acceded or adhered to it, as the case may be, and also to the Powers which signed the Treaty of Peace.

In faith whereof the undersigned have signed and sealed the present act.

Done at Lausanne, the 24th July, 1923, in a single copy.

[L.S.] HORACE RUMBOLD.	[L.S.] M. ISMET.
[L.S.] PELLÉ.	[L.S.] DR. RIZA NUR.
[L.S.] GARRONI.	[L.S.] HASSAN.
[L.S.] G. C. MONTAGNA.	[L.S.] B. MORPHOFF.
[L.S.] K. OTCHIAL.	[L.S.] STANCIOFF.
[L.S.] E. K. VENISELOS.	[L.S.] FERNAND PELTZER.
[L.S.] CONST. DIAMANDY.	[L.S.] A. M. BARTHOLOMEU FERREIRA.
[L.S.] CONST. CONTZESCO.	

## I. TREATY OF PEACE

The British Empire, France, Italy, Japan, Greece, Roumania and the Serb-Croat-Slovene State, of the one part, and Turkey, of the other part;

Being united in the desire to bring to a final close the state of war which has existed in the East since 1914,

Being anxious to reestablish the relations of friendship and commerce which are essential to the mutual well-being of their respective peoples,

And considering that these relations must be based on respect for the independence and sovereignty of states,

Have decided to conclude a treaty for this purpose, and have appointed as their plenipotentiaries:

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:



The Right Honorable Sir Horace George Montagu Rumbold, Baronet,  
G.C.M.G., High Commissioner at Constantinople;

THE PRESIDENT OF THE FRENCH REPUBLIC:

General Maurice Pellé, Ambassador of France, High Commissioner of  
the Republic in the East, Grand Officer of the National Order of the  
Legion of Honor;

HIS MAJESTY THE KING OF ITALY:

The Honorable Marquis Camillo Garroni, Senator of the Kingdom,  
Ambassador of Italy, High Commissioner at Constantinople, Grand  
Cross of the Orders of Saints Maurice and Lazarus, and of the Crown  
of Italy;

M. Giulio Cesare Montagna, Envoy Extraordinary and Minister Pleni-  
potentiary at Athens, Commander of the Orders of Saints Maurice  
and Lazarus, Grand Officer of the Crown of Italy;

HIS MAJESTY THE EMPEROR OF JAPAN:

Mr. Kentaro Otchiai, Jusammi, First Class of the Order of the Rising  
Sun, Ambassador Extraordinary and Plenipotentiary at Rome;

HIS MAJESTY THE KING OF THE HELLENES:

M. Eleftherios K. Veniselos, formerly President of the Council of Minis-  
ters, Grand Cross of the Order of the Savior;

M. Demetrios Caclamanos, Minister Plenipotentiary at London, Com-  
mander of the Order of the Savior;

HIS MAJESTY THE KING OF ROUMANIA:

M. Constantine I. Diamandy, Minister Plenipotentiary;

M. Constantine Contzesco, Minister Plenipotentiary;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS AND THE SLOVENES:

Dr. Miloutine Yovanovitch, Envoy Extraordinary and Minister Pleni-  
potentiary at Berne;

THE GOVERNMENT OF THE GRAND NATIONAL ASSEMBLY OF TURKEY:

Ismet Pasha, Minister for Foreign Affairs, Deputy for Adrianople;

Dr. Riza Nour Bey, Minister for Health and for Public Assistance,  
Deputy for Sinope;

Hassan Bey, formerly Minister, Deputy for Trebizond;

Who, having produced their full powers, found in good and due form,  
have agreed as follows:—

PART I.—POLITICAL CLAUSES

ARTICLE 1

From the coming into force of the present treaty, the state of peace will  
be definitely reestablished between the British Empire, France, Italy, Japan,  
Greece, Roumania and the Serb-Croat-Slovene State of the one part, and  
Turkey of the other part, as well as between their respective nationals.

Official relations will be resumed on both sides and, in the respective terri-  
tories, diplomatic and consular representatives will receive, without preju-

dice to such agreements as may be concluded in the future, treatment in accordance with the general principles of international law.

#### SECTION I

#### 1. TERRITORIAL CLAUSES

#### ARTICLE 2

From the Black Sea to the Ægean the frontier of Turkey is laid down as follows (see map No. 1).<sup>2</sup>

(1) *With Bulgaria:*

From the mouth of the River Rezvaya, to the River Maritza, the point of junction of the three frontiers of Turkey, Bulgaria and Greece:

The southern frontier of Bulgaria as at present demarcated;

(2) *With Greece:*

Thence to the confluence of the Arda and the Maritza:

the course of the Maritza;

then upstream along the Arda, up to a point on that river to be determined on the spot in the immediate neighborhood of the village of Tchörek-Keuy:

the course of the Arda;

thence in a south-easterly direction up to a point on the Maritza, 1 kilom. below Bosna-Keuy:

a roughly straight line leaving in Turkish territory the village of Bosna-Keuy. The village of Tchörek-Keuy shall be assigned to Greece or to Turkey according as the majority of the population shall be found to be Greek or Turkish by the commission for which provision is made in Article 5, the population which has migrated into this village after the 11th October, 1922, not being taken into account;

thence to the Ægean Sea:

the course of the Maritza.

#### ARTICLE 3

From the Mediterranean to the frontier of Persia, the frontier of Turkey is laid down as follows:

(1) *With Syria:*

The frontier described in Article 8 of the Franco-Turkish agreement of the 20th October, 1921;

(2) *With Iraq:*

The frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain within nine months.

In the event of no agreement being reached between the two governments within the time mentioned, the dispute shall be referred to the Council of the League of Nations.

<sup>2</sup> Omitted from this SUPPLEMENT.

The Turkish and British Governments reciprocally undertake that, pending the decision to be reached on the subject of the frontier, no military or other movement shall take place which might modify in any way the present state of the territories of which the final fate will depend upon that decision.

#### ARTICLE 4

The frontiers described by the present treaty are traced on the one in a million maps attached to the present treaty. In case of divergence between the text and the map, the text will prevail.

#### ARTICLE 5

A boundary commission will be appointed to trace on the ground the frontier defined in Article 2 (2). This commission will be composed of representatives of Greece and of Turkey, each Power appointing one representative, and a president chosen by them from the nationals of a third Power.

They shall endeavor in all cases to follow as nearly as possible the descriptions given in the present treaty, taking into account as far as possible administrative boundaries and local economic interests.

The decision of the commission will be taken by a majority and shall be binding on the parties concerned.

The expenses of the commission shall be borne in equal shares by the parties concerned.

#### ARTICLE 6

In so far as concerns frontiers defined by a waterway as distinct from its banks, the phrases "course" or "channel" used in the descriptions of the present treaty signify, as regards non-navigable rivers, the median line of the waterway or of its principal branch, and, as regards navigable rivers, the median line of the principal channel of navigation. It will rest with the boundary commission to specify whether the frontier line shall follow any changes of the course or channel which may take place, or whether it shall be definitely fixed by the position of the course or channel at the time when the present treaty comes into force.

In the absence of provisions to the contrary, in the present treaty, islands and islets lying within three miles of the coast are included within the frontier of the coastal state.

#### ARTICLE 7

The various states concerned undertake to furnish to the boundary commission all documents necessary for its task, especially authentic copies of agreements fixing existing or old frontiers, all large scale maps in existence, geodetic data, surveys completed but unpublished, and information concerning the changes of frontier watercourses. The maps, geodetic data, and surveys, even if unpublished, which are in the possession of the Turkish authorities, must be delivered at Constantinople with the least possible de-

lay from the coming into force of the present treaty to the president of the commission.

The states concerned also undertake to instruct the local authorities to communicate to the commission all documents, especially plans, cadastral and land books, and to furnish on demand all details regarding property, existing economic conditions and other necessary information.

#### ARTICLE 8

The various states interested undertake to give every assistance to the boundary commission, whether directly or through local authorities, in everything that concerns transport, accommodation, labor, materials (sign posts, boundary pillars) necessary for the accomplishment of its mission.

In particular, the Turkish Government undertakes to furnish, if required, the technical personnel necessary to assist the boundary commission in the accomplishment of its duties.

#### ARTICLE 9

The various states interested undertake to safeguard the trigonometrical points, signals, posts or frontier marks erected by the commission.

#### ARTICLE 10

The pillars will be placed so as to be intervisible. They will be numbered, and their position and their number will be noted on a cartographic document.

#### ARTICLE 11

The protocols defining the boundary and the maps and documents attached thereto will be made out in triplicate, of which two copies will be forwarded to the governments of the limitrophe states, and the third to the Government of the French Republic, which will deliver authentic copies to the Powers who sign the present treaty.

#### ARTICLE 12

The decision taken on the 13th February, 1914, by the Conference of London, in virtue of Articles 5 of the Treaty of London of the 17th-30th May, 1913, and 15 of the Treaty of Athens of the 1st-14th November, 1913, which decision was communicated to the Greek Government on the 13th February, 1914, regarding the sovereignty of Greece over the islands of the Eastern Mediterranean, other than the islands of Imbros, Tenedos and Rabbit Islands, particularly the islands of Lemnos, Samothrace, Mytilene, Chios, Samos and Nikaria, is confirmed, subject to the provisions of the present treaty respecting the islands placed under the sovereignty of Italy which form the subject of Article 15.

Except where a provision to the contrary is contained in the present

treaty, the islands situated at less than three miles from the Asiatic coast remain under Turkish sovereignty.

#### ARTICLE 13

With a view to ensuring the maintenance of peace, the Greek Government undertakes to observe the following restrictions in the islands of Mytilene, Chios, Samos and Nikaria:

(1) No naval base and no fortification will be established in the said islands.

(2) Greek military aircraft will be forbidden to fly over the territory of the Anatolian coast. Reciprocally, the Turkish Government will forbid their military aircraft to fly over the said islands.

(3) The Greek military forces in the said islands will be limited to the normal contingent called up for military service, which can be trained on the spot, as well as to a force of gendarmerie and police in proportion to the force of gendarmerie and police existing in the whole of the Greek territory.

#### ARTICLE 14

The islands of Imbros and Tenedos, remaining under Turkish sovereignty, shall enjoy a special administrative organization composed of local elements and furnishing every guarantee for the native non-Moslem population in so far as concerns local administration and the protection of person and property. The maintenance of order will be assured therein by a police force recruited from amongst the local population by the local administration above provided for and placed under its orders.

The agreements which have been, or may be, concluded between Greece and Turkey relating to the exchange of the Greek and Turkish populations will not be applied to the inhabitants of the islands of Imbros and Tenedos.

#### ARTICLE 15

Turkey renounces in favor of Italy all rights and title over the following islands: Stampalia (Astrapalia), Rhodes (Rhodos), Calki (Kharki), Scarpanto, Casos (Casso), Piscopis (Tilos), Misiros (Nisyros), Calimnos (Kalymnos), Leros, Patmos, Lipsos (Lipso), Simi (Symi), and Cos (Kos), which are now occupied by Italy, and the islets dependent thereon, and also over the island of Castellorizzo (see map No. 2).<sup>3</sup>

#### ARTICLE 16

Turkey hereby renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present treaty and the islands other than those over which her sovereignty is recognized by the said treaty, the future of these territories and islands being settled or to be settled by the parties concerned.

<sup>3</sup> Omitted from this SUPPLEMENT.



The provisions of the present article do not prejudice any special arrangements arising from neighborly relations which have been or may be concluded between Turkey and any limitrophe countries.

#### ARTICLE 17

The renunciation by Turkey of all rights and titles over Egypt and over the Soudan will take effect as from the 5th November, 1914.

#### ARTICLE 18

Turkey is released from all undertakings and obligations in regard to the Ottoman loans guaranteed on the Egyptian tribute, that is to say, the loans of 1855, 1891 and 1894. The annual payments made by Egypt for the service of these loans now forming part of the service of the Egyptian Public Debt, Egypt is freed from all other obligations relating to the Ottoman Public Debt.

#### ARTICLE 19

Any questions arising from the recognition of the State of Egypt shall be settled by agreements to be negotiated subsequently in a manner to be determined later between the Powers concerned. The provisions of the present treaty relating to territories detached from Turkey under the said treaty will not apply to Egypt.

#### ARTICLE 20

Turkey hereby recognizes the annexation of Cyprus proclaimed by the British Government on the 5th November, 1914.

#### ARTICLE 21

Turkish nationals ordinarily resident in Cyprus on the 5th November, 1914, will acquire British nationality subject to the conditions laid down in the local law, and will thereupon lose their Turkish nationality. They will, however, have the right to opt for Turkish nationality within two years from the coming into force of the present treaty, provided that they leave Cyprus within twelve months after having so opted.

Turkish nationals ordinarily resident in Cyprus on the coming into force of the present treaty who, at that date, have acquired or are in process of acquiring British nationality, in consequence of a request made in accordance with the local law, will also thereupon lose their Turkish nationality.

It is understood that the Government of Cyprus will be entitled to refuse British nationality to inhabitants of the island who, being Turkish nationals, had formerly acquired another nationality without the consent of the Turkish Government.

#### ARTICLE 22

Without prejudice to the general stipulations of Article 27, Turkey hereby recognizes the definite abolition of all rights and privileges whatsoever

which she enjoyed in Libya under the Treaty of Lausanne of the 18th October, 1912, and the instruments connected therewith.

## 2. SPECIAL PROVISIONS

### ARTICLE 23

The high contracting parties are agreed to recognize and declare the principle of freedom of transit and of navigation, by sea and by air, in time of peace as in time of war, in the strait of the Dardanelles, the Sea of Marmora and the Bosphorus, as prescribed in the separate convention signed this day, regarding the régime of the Straits. This convention will have the same force and effect in so far as the present high contracting parties are concerned as if it formed part of the present treaty.

### ARTICLE 24

The separate convention signed this day respecting the régime for the frontier described in Article 2 of the present treaty will have equal force and effect in so far as the present high contracting parties are concerned as if it formed part of the present treaty.

### ARTICLE 25

Turkey undertakes to recognize the full force of the treaties of peace and additional conventions concluded by the other contracting Powers with the Powers who fought on the side of Turkey, and to recognize whatever disposition have been or may be made concerning the territories of the former German Empire, of Austria, of Hungary and of Bulgaria, and to recognize the new states within their frontiers as there laid down.

### ARTICLE 26

Turkey hereby recognizes and accepts the frontiers of Germany, Austria, Bulgaria, Greece, Hungary, Poland, Roumania, the Serb-Croat-Slovene State and the Czechoslovak State, as these frontiers have been or may be determined by the treaties referred to in Article 25 or by any supplementary conventions.

### ARTICLE 27

No power or jurisdiction in political, legislative or administrative matters shall be exercised outside Turkish territory by the Turkish Government or authorities, for any reason whatsoever, over the nationals of a territory placed under the sovereignty or protectorate of the other Powers signatory of the present treaty, or over the nationals of a territory detached from Turkey.

It is understood that the spiritual attributions of the Moslem religious authorities are in no way infringed.

## ARTICLE 28

Each of the high contracting parties hereby accepts, in so far as it is concerned, the complete abolition of the capitulations in Turkey in every respect.

## ARTICLE 29

Moroccans, who are French nationals (*ressortissants*) and Tunisians shall enjoy in Turkey the same treatment in all respects as other French nationals (*ressortissants*).

Natives (*ressortissants*) of Libya shall enjoy in Turkey the same treatment in all respects as other Italian nationals (*ressortissants*).

The stipulations of the present article in no way prejudice the nationality of persons of Tunisian, Libyan and Moroccan origin established in Turkey.

Reciprocally, in the territories the inhabitants of which benefit by the stipulations of the first and second paragraphs of this article, Turkish nationals shall benefit by the same treatment as in France and in Italy respectively.

The treatment to which merchandise originating in or destined for the territories, the inhabitants of which benefit from the stipulations of the first paragraph of this article, shall be subject in Turkey, and, reciprocally, the treatment to which merchandise originating in or destined for Turkey shall be subject in the said territories shall be settled by agreement between the French and Turkish Governments.

## SECTION II.—NATIONALITY

## ARTICLE 30

Turkish subjects habitually resident in territory which in accordance with the provisions of the present treaty is detached from Turkey will become *ipso facto*, in the conditions laid down by the local law, nationals of the state to which such territory is transferred.

## ARTICLE 31

Persons over eighteen years of age, losing their Turkish nationality and obtaining *ipso facto* a new nationality under Article 30, shall be entitled within a period of two years from the coming into force of the present treaty to opt for Turkish nationality.

## ARTICLE 32

Persons over eighteen years of age, habitually resident in territory detached from Turkey in accordance with the present treaty, and differing in race from the majority of the population of such territory shall, within two years from the coming into force of the present treaty, be entitled to opt for the nationality of one of the states in which the majority of the population is of the same race as the person exercising the right to opt, subject to the consent of that state.



## ARTICLE 33

Persons who have exercised the right to opt in accordance with the provisions of Articles 31 and 32 must, within the succeeding twelve months, transfer their place of residence to the state for which they have opted.

They will be entitled to retain their immovable property in the territory of the other state where they had their place of residence before exercising their right to opt.

They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

## ARTICLE 34

Subject to any agreements which it may be necessary to conclude between the governments exercising authority in the countries detached from Turkey and the governments of the countries where the persons concerned are resident, Turkish nationals of over eighteen years of age who are natives of a territory detached from Turkey under the present treaty, and who on its coming into force are habitually resident abroad, may opt for the nationality of the territory of which they are natives, if they belong by race to the majority of the population of that territory, and subject to the consent of the government exercising authority therein. This right of option must be exercised within two years from the coming into force of the present treaty.

## ARTICLE 35

The contracting powers undertake to put no hindrance in the way of the exercise of the right which the persons concerned have under the present treaty, or under the treaties of peace concluded with Germany, Austria, Bulgaria or Hungary, or under any treaty concluded by the said Powers, other than Turkey, or any of them, with Russia, or between themselves, to choose any other nationality which may be open to them.

## ARTICLE 36

For the purposes of the provisions of this section, the status of a married woman will be governed by that of her husband, and the status of children under eighteen years of age by that of their parents.

## SECTION III.—PROTECTION OF MINORITIES

## ARTICLE 37

Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognized as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

## ARTICLE 38

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defense, or for the maintenance of public order.

## ARTICLE 39

Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honors, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the courts.

## ARTICLE 40

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

## ARTICLE 41

As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent

the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the state, municipal or other budgets for educational, religious, or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

#### ARTICLE 42

The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.

These measures will be elaborated by special commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above-mentioned minorities. All facilities and authorization will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.

#### ARTICLE 43

Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their weekly day of rest.

This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

#### ARTICLE 44

Turkey agrees that, in so far as the preceding articles of this section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority

of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

Turkey further agrees that any difference of opinion as to questions of law or fact arising out of these articles between the Turkish Government and any one of the other signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

#### ARTICLE 45

The rights conferred by the provisions of the present section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.

### PART II.—FINANCIAL CLAUSES

#### SECTION I.—OTTOMAN PUBLIC DEBT

#### ARTICLE 46

The Ottoman Public Debt, as defined in the table annexed to the present section, shall be distributed under the conditions laid down in the present section between Turkey, the states in favor of which territory has been detached from the Ottoman Empire after the Balkan wars of 1912-13, the states to which the islands referred to in Articles 12 and 15 of the present treaty and the territory referred to in the last paragraph of the present article have been attributed, and the states newly created in territories in Asia which are detached from the Ottoman Empire under the present treaty. All the above states shall also participate, under the conditions laid down in the present section, in the annual charges for the service of the Ottoman Public Debt from the dates referred to in Article 53.

From the dates laid down in Article 53, Turkey shall not be held in any way whatsoever responsible for the shares of the debt for which other states are liable.

For the purpose of the distribution of the Ottoman Public Debt, that portion of the territory of Thrace which was under Turkish sovereignty on the 1st August, 1914, and lies outside the boundaries of Turkey as laid down by Article 2 of the present treaty, shall be deemed to be detached from the Ottoman Empire under the said treaty.

#### ARTICLE 47

The Council of the Ottoman Public Debt shall, within three months from the coming into force of the present treaty, determine, on the basis laid down by Articles 50 and 51, the amounts of the annuities for the loans referred to in Part A of the table annexed to the present section which are payable by each of the states concerned, and shall notify to them this amount.

These states shall be granted an opportunity to send to Constantinople delegates to check the calculations made for this purpose by the Council of the Ottoman Public Debt.

The Council of the Debt shall exercise the functions referred to in Article 134 of the Treaty of Peace with Bulgaria of the 27th November, 1919.

Any disputes which may arise between the parties concerned as to the application of the principles laid down in the present article shall be referred, not more than one month after the notification referred to in the first paragraph, to an arbitrator whom the Council of the League of Nations will be asked to appoint; this arbitrator shall give his decision within a period of not more than three months. The remuneration of the arbitrator shall be determined by the Council of the League of Nations, and shall, together with the other expenses of the arbitration, be borne by the parties concerned. The decisions of the arbitrator shall be final. The payment of the annuities shall not be suspended by the reference of any disputes to the above-mentioned arbitrator.

#### ARTICLE 48

The states, other than Turkey, among which the Ottoman Public Debt, as defined in Part A of the table annexed to this section, is attributed shall within three months from the date on which they are notified, in accordance with Article 47, of their respective shares in the annual charges referred to in that article, assign to the Council of the Debt adequate security for the payment of their share. If such security is not assigned within the above-mentioned period, or in the case of any disagreement as to the adequacy of the security assigned, any of the governments signatory to the present treaty shall be entitled to appeal to the Council of the League of Nations.

The Council of the League of Nations shall be empowered to entrust the collection of the revenues assigned as security to international financial organizations existing in the countries (other than Turkey) among which the debt is distributed. The decisions of the Council of the League of Nations shall be final.



## ARTICLE 49

Within one month from the date of the final determination under Article 47 of the amount of the annuities for which each of the states concerned is liable, a commission shall meet in Paris to determine the method of carrying out the distribution of the nominal capital of the Ottoman Public Debt as defined in Part A of the table annexed to this section. This distribution shall be made in accordance with the proportions adopted for the division of the annuities, and account shall be taken of the terms of the agreements governing the loans and of the provisions of this section.

The commission referred to in the first paragraph shall consist of a representative of the Turkish Government, a representative of the council of the Ottoman Public Debt, a representative of the debt other than the Unified Debt and the Lots Turcs; each of the governments concerned shall also be entitled to appoint a representative. All questions in regard to which the commission may be unable to reach agreement shall be referred to the arbitrator referred to in the fourth paragraph of Article 47.

If Turkey shall decide to create new securities in respect of her share, the distribution of the capital of the Ottoman Public Debt shall be made in the first instance as it affects Turkey by a committee consisting of the representative of the Council of the Ottoman Public Debt and the representative of the debt other than the Unified Debt and the Lots Turcs. The new securities shall be delivered to the commission, which shall ensure their delivery to the bondholders upon such terms as will provide for the release of Turkey from liability and the rights of the bondholders towards the other states which are liable for a share of the Ottoman Public Debt. The securities issued in respect of the share of each state in the Ottoman Public Debt shall be exempt in the territory of the high contracting parties from all stamp duties or other taxes which would be involved by such issue.

The payment of the annuities for which each of the states concerned is liable shall not be postponed as a consequence of the provisions of the present article in regard to the distribution of the nominal capital.

## ARTICLE 50

The distribution of the annual charges referred to in Article 47 and of the nominal capital of the Ottoman Public Debt mentioned in Article 49 shall be effected in the following manner:

(1) The loans prior to the 17th October, 1912, and the annuities of such loans shall be distributed between the Ottoman Empire as it existed after the Balkan wars of 1912-13, the Balkan states in favor of which territory was detached from the Ottoman Empire after those wars, and the states to which the islands referred to in Articles 12 and 15 of the present treaty have been attributed; account shall be taken of the territorial changes which have taken place after the coming into force of the treaties which ended those wars or subsequent treaties.

(2) The residue of the loans for which the Ottoman Empire remained liable after this first distribution and the residue of the annuities of such loans, together with the loans contracted by that Empire between the 17th October, 1912, and the 1st November, 1914, and the annuities of such loans shall be distributed between Turkey, the newly created states in Asia in favor of which a territory has been detached from the Ottoman Empire under the present treaty, and the state to which the territory referred to in the last paragraph of Article 46 of the said treaty has been attributed.

The distribution of the capital shall in the case of each loan be based on the capital amount outstanding at the date of the coming into force of the present treaty.

#### ARTICLE 51

The amount of the share in the annual charges of the Ottoman Public Debt for which each state concerned is liable in consequence of the distribution provided for by Article 50 shall be determined as follows:

(1) As regards the distribution provided for by Article 50 (1), in the first place the share of the islands referred to in Articles 12 and 15 and of the territories detached from the Ottoman Empire after the Balkan wars, taken together, shall be fixed. The amount of this share shall bear the same proportion to the total sum of the annuities to be distributed in accordance with Article 50 (1) as the average total revenue of the above-mentioned islands and territories, taken as a whole, bore to the average total revenue of the Ottoman Empire in the financial years 1910-1911 and 1911-1912, including the proceeds of the customs surtaxes established in 1907.

The amount thus determined shall then be distributed among the states to which the territories referred to in the preceding paragraph have been attributed, and the share for which each of these states will thus be made liable shall bear the same proportion to the total amount so distributed as the average total revenue of the territory attributed to each state bore in the financial years 1910-11 and 1911-12 to the average total revenue of the territories detached from the Ottoman Empire after the Balkan Wars and the islands referred to in Articles 12 and 15. In calculating the revenues referred to in this paragraph, customs revenues shall be excluded.

(2) As regards the territories detached from the Ottoman Empire under the present treaty (including the territory referred to in the last paragraph of Article 46), the amount of the share of each state concerned shall bear the same proportion to the total sum of the annuities to be distributed in accordance with Article 50 (2) as the average total revenue of the detached territory (including the proceeds of the customs surtax established in 1907) for the financial years 1910-11 and 1911-12 bore to the average total revenue of the Ottoman Empire, excluding the territories and islands referred to in paragraph (1) of this article.

## ARTICLE 52

The advances referred to in Part B of the table annexed to the present section shall be distributed between Turkey and the other states referred to in Article 46 under the following conditions:

(1) As regards the advances referred to in the table which existed on the 17th October, 1912, the capital amount, if any, outstanding at the date of the coming into force of the present treaty, together with the interest from the dates mentioned in the first paragraph of Article 53 and the repayments made since those dates, shall be distributed in accordance with the provisions of Article 50 (1) and Article 51 (1).

(2) As regards the amounts for which the Ottoman Empire remains liable after the first distribution and the advances referred to in the table which were contracted by the said Empire between the 17th October, 1912, and the 1st November, 1914, the capital amount, if any, outstanding at the date of the coming into force of the present treaty, together with the interest from the 1st March, 1920, and the repayments made since that date, shall be distributed in accordance with the provisions of Article 50 (2) and Article 51 (2).

The Council of the Ottoman Public Debt shall, within three months from the coming into force of the present treaty, determine the amount of the share in these advances for which each of the states concerned is liable, and notify them of such amount.

The sums for which states other than Turkey are liable shall be paid by those states to the Council of the Debt and shall be paid by the Council to the creditors, or credited to the Turkish Government up to the amount paid by Turkey, by way of interest or repayment, for the account of those states.

The payments referred to in the preceding paragraph shall be made by five equal annuities from the coming into force of the present treaty. Such portion of these payments as is payable to the creditors of the Ottoman Empire shall bear interest at the rates laid down in the contracts governing the advances; the portion to be credited to the Turkish Government shall be paid without interest.

## ARTICLE 53

The annuities for the service of the loans of the Ottoman Public Debt (as defined in Part A of the table annexed to this section) due by the states in favor of which a territory has been detached from the Ottoman Empire after the Balkan wars, shall be payable as from the coming into force of the treaties by which the respective territories were transferred to those states. In the case of the islands referred to in Article 12, the annuity shall be payable as from the 1st/14th November, 1913, and, in the case of the islands referred to in Article 15, as from the 17th October, 1912.

The annuities due by the states newly created in territories in Asia detached from the Ottoman Empire under the present treaty, and by the state



## ANNEX I TO SECTION I

TABLE OF THE OTTOMAN PRE-WAR PUBLIC DEBT (NOVEMBER 1, 1914)

*Part A*

Loan 1	Date of Contract 2	Interest 3	Date of Redemption 4	Bank of Issue 5
Unified Debt.....	1-14.9.1903- 8-21.6.1906	% 4	....	
Lots turcs.....	5.1.1870	...	....	
Osmanîé.....	18-30.4.1890	4	1931	Imperial Ottoman Bank.
Tombac priority.....	26.4-8.5.1893	4	1954	Imperial Ottoman Bank.
40,000,000 fr. (Oriental Railways).....	1-13.3.1894	4	1957	Deutsche Bank and its group, including Inter- national Bank and two French banks.
5%, 1896.....	29.2-12.3.1896	5	1946	Imperial Ottoman Bank.
Customs, 1902.....	17-29.5.1886- 28.9-11.10.1902	4	1958	Imperial Ottoman Bank.
4%, 1903 (Fisheries)...	3.10.1888-21.2- 6.3.1903	4	1958	Deutsche Bank.
Bagdad, Series I.....	20.2-5.3.1903	4	2001	Deutsche Bank.
4%, 1904.....	4-17.9.1903	4	1960	Imperial Ottoman Bank.
4%, 1901-1905.....	21.11-4.12.1901- 6.11.1903-25.4 8.5.1905	4	1961	Imperial Ottoman Bank.
Tedjhzat-Askérié.....	4-17.4.1905	4	1961	Deutsche Bank.
Bagdad, Series II.....	20.5-2.6.1908	4	2006	Deutsche Bank.
Bagdad, Series III.....	20.5-2.6.1908	4	2010	Deutsche Bank.
4%, 1908.....	6-19.9.1908	4	1965	Imperial Ottoman Bank.
4%, 1909.....	30.9-13.10.1909	4	1950	Imperial Ottoman Bank.
Soma-Panderma.....	20.11-3.12.1910	4	1992	Imperial Ottoman Bank.
Hodeida-Sanaa.....	24.2-9.3.1911	4	2006	Banque française.
Customs, 1911.....	27.10-9.11.1910	4	1952	Deutsche Bank, and its group.
Plain of Koniah irriga- tion.....	5-18.11.1913	...	1932	
Docks, arsenals and na- val constructions....	19.11-2.12.1913	5½	1943	
5%, 1914.....	13-26.4.1914	5	(1962)	Imperial Ottoman Bank.
Avance Régie des Ta- bacs.....	4.8.1913	...	....	
Treasury Bills, 5%, 1911 (purchase of warships)	13.7.1911	5	1916 <sup>4</sup>	National Bank of Turkey.
Treasury Bills, Imperial Ottoman Bank, 1912.	8-21.11.1912	6	1915 <sup>4</sup>	Imperial Ottoman Bank.
Treasury Bills, 1913 (in- cluding the bills issued directly).....	19.1-1.2.1913	5	1918 <sup>4</sup>	Périer and Co.

<sup>4</sup> See Article 54.

*Part B*

Advance	Date of Contract	Interest	Original Nominal Capital £ T
Bagdad Railway Company.....	3/16 June, 1908	% 7	300,000
Lighthouse Administration.....	5/18 August, 1904	8	55,000
Lighthouse Administration.....	5/18 July, 1907	7	300,000
Constanza Cable Company.....	27/9 October, 1904	4	17,335
Tunnel Company.....		...	3,000
Orphan's Fund.....	Various dates	...	153,147
Deutsche Bank.....	13/26 August, 1912	5.5	33,000
Lighthouse Administration.....	3/16 April, 1913	7	500,000
Anatolia Railway Company.....	23/5 March, 1914	6	200,000

to which the territory referred to in the last paragraph of Article 46 has been attributed, shall be payable as from the 1st March, 1920.

## ARTICLE 54

The treasury bills of 1911, 1912 and 1913 included in Part A of the table annexed to this section shall be repaid, with interest at the agreed rate, within ten years from the dates fixed by the contracts.

## ARTICLE 55

The states referred to in Article 46, including Turkey, shall pay to the Ottoman Debt Council the amount of the annuities required for the service of their share of the Ottoman Public Debt (as defined in Part A of the table annexed to this section) to the extent that such annuities have remained unpaid as from the dates laid down by Article 53. This payment shall be made, without interest, by means of twenty equal annuities from the coming into force of the present treaty.

The amount of the annuities paid to the Council of the Debt by the states other than Turkey shall, to the extent that they represent payments made by Turkey for the account of those states, be credited to Turkey on account of the arrears with which she is debited.

## ARTICLE 56

The Council of the Administration of the Ottoman Public Debt shall no longer include delegates of the German, Austrian and Hungarian bondholders.

## ARTICLE 57

Limits of time fixed for the presentation of coupons of or claims for interest upon the loans and advances of the Ottoman Public Debt and the Turkish loans of 1855, 1891 and 1894 secured on the Egyptian tribute, and the limits

of time fixed for the presentation of securities of these loans drawn for repayment, shall, on the territory of the high contracting parties, be considered as having been suspended from the 29th October, 1914, until three months after the coming into force of the present treaty.

## SECTION II.—MISCELLANEOUS CLAUSES

## ARTICLE 58

Turkey, on the one hand, and the other contracting Powers (except Greece) on the other hand, reciprocally renounce all pecuniary claims for the loss and damage suffered respectively by Turkey and the said Powers and by their nationals (including juridical persons) between the 1st August, 1914, and the coming into force of the present treaty, as the result of acts of war, or measures of requisition, sequestration, disposal or confiscation.

Nevertheless, the above provisions are without prejudice to the provisions of Part III (Economic Clauses) of the present treaty.

Turkey renounces in favor of the other contracting parties (except Greece) any right in the sums in gold transferred by Germany and Austria under Article 259 (1) of the treaty of peace of the 28th June, 1919, with Germany, and under Article 210 (1) of the treaty of peace of the 10th September, 1919, with Austria.

The Council of the Administration of the Ottoman Public Debt is freed from all liability to make the payments which it was required to make by the agreement of the 20th June, 1331 (3rd July, 1915) relating to the first issue of Turkish currency notes or by the words inscribed on the back of such notes.

Turkey also agrees not to claim from the British Government or its nationals the repayment of the sums paid for the warships ordered in England by the Ottoman Government which were requisitioned by the British Government in 1914, and renounces all claims in the matter.

## ARTICLE 59

Greece recognizes her obligation to make reparation for the damage caused in Anatolia by the acts of the Greek army or administration which were contrary to the laws of war.

On the other hand, Turkey, in consideration of the financial situation of Greece resulting from the prolongation of the war and from its consequences, finally renounces all claims for reparation against the Greek Government.

## ARTICLE 60

The states in favor of which territory was or is detached from the Ottoman Empire after the Balkan wars or by the present treaty shall acquire, without payment, all the property and possessions of the Ottoman Empire situated therein.

It is understood that the property and possessions of which the transfer from the civil list to the state was laid down by the *Iradsés* of the 26th August, 1324 (8th September, 1908) and the 20th April, 1325 (2nd May, 1909), and also those which, on the 30th October, 1918, were administered by the civil list for the benefit of a public service, are included among the property and possessions referred to in the preceding paragraph, the aforesaid states being subrogated to the Ottoman Empire in regard to the property and possessions in question. The *Wakfs* created on such property shall be maintained.

The dispute which has arisen between the Greek and Turkish Governments relating to property and possessions which have passed from the civil list to the state and are situated in territories of the former Ottoman Empire transferred to Greece either after the Balkan wars, or subsequently, shall be referred to an arbitral tribunal at The Hague, in accordance with the special protocol No. 2 annexed to the Treaty of Athens of the 1st-14th November, 1913. The terms of reference shall be settled between the two Governments.

The provisions of this article will not modify the juridical nature of the property and possessions registered in the name of the civil list or administered by it, which are not referred to in the second and third paragraphs above.

#### ARTICLE 61

The recipients of Turkish civil and military pensions who acquire under the present treaty the nationality of a state other than Turkey, shall have no claim against the Turkish Government in respect of their pensions.

#### ARTICLE 62

Turkey recognizes the transfer of any claims to payment or repayment which Germany, Austria, Bulgaria or Hungary may have against her, in accordance with Article 261 of the treaty of peace concluded at Versailles on the 28th June, 1919, with Germany, and the corresponding articles of the treaties of peace of the 10th September, 1919, with Austria; of the 27th November, 1919, with Bulgaria; and of the 4th June, 1920, with Hungary.

The other contracting Powers agree to release Turkey from the debts for which she is liable on this account.

The claims which Turkey has against Germany, Austria, Bulgaria and Hungary, are also transferred to the aforesaid contracting Powers.

#### ARTICLE 63

The Turkish Government, in agreement with the other contracting Powers, hereby releases the German Government from the obligation incurred by it during the war to accept Turkish Government currency notes at a specified rate of exchange in payment for goods to be exported to Turkey from Germany after the war.

## PART III.—ECONOMIC CLAUSES

## ARTICLE 64

In this part, the expression "Allied Powers" means the contracting Powers other than Turkey.

The term "Allied nationals" includes physical persons, companies and associations of the contracting Powers other than Turkey, or of a state or territory under the protection of one of the said Powers.

The provisions of this part relating to "Allied nationals" shall benefit persons who without having the nationality of one of the Allied Powers, have, in consequence of the protection which they in fact enjoyed at the hands of these Powers, received from the Ottoman authorities the same treatment as Allied nationals and have, on this account, been prejudiced.

## SECTION I.—PROPERTY, RIGHTS AND INTERESTS

## ARTICLE 65

Property, rights and interests which still exist and can be identified in territories remaining Turkish at the date of the coming into force of the present treaty, and which belong to persons who on the 29th October, 1914, were Allied nationals, shall be immediately restored to the owners in their existing state.

Reciprocally, property, rights and interests which still exist and can be identified in territories subject to the sovereignty or protectorate of the Allied Powers on the 29th October, 1914, or in territories detached from the Ottoman Empire after the Balkan wars and subject today to the sovereignty of any such Power, and which belong to Turkish nationals, shall be immediately restored to the owners in their existing state. The same provision shall apply to property, rights and interests which belong to Turkish nationals in territories detached from the Ottoman Empire under the present treaty, and which may have been subjected to liquidation or any other exceptional measure whatever on the part of the authorities of the Allied Powers.

All property, rights and interests situated in territory detached from the Ottoman Empire under the present treaty, which, after having been subjected by the Ottoman Government to an exceptional war measure, are now in the hands of the contracting Power exercising authority over the said territory, and which can be identified, shall be restored to their legitimate owners, in their existing state. The same provision shall apply to immovable property which may have been liquidated by the contracting Power exercising authority over the said territory. All other claims between individuals shall be submitted to the competent local courts.

All disputes relating to the identity or the restitution of property to which a claim is made shall be submitted to the mixed arbitral tribunal provided for in Section V of this part.



## ARTICLE 66

In order to give effect to the provisions of the first and second paragraphs of Article 65 the high contracting parties will, by the most rapid procedure, restore the owners to the possession of their property, rights and interests free from any burdens or encumbrances with which such property, rights and interests may have been charged without the consent of the said owners. It will be the duty of the government of the Power effecting the restitution to provide for the compensation of third parties who may have acquired the property directly or indirectly from the said government and who may be injured by this restitution. Disputes which may arise in connection with such compensation shall be dealt with by the ordinary courts.

In all other cases it will be open to any third parties who may be injured to take action against whoever is responsible, in order to obtain compensation.

In order to give effect to these provisions all acts of transfer or other exceptional war measures, which the high contracting parties may have carried out in respect of enemy property, rights and interests, shall be immediately cancelled and stayed when liquidation has not yet been completed. Owners who make claims shall be satisfied by the immediate restitution of their property, rights and interests as soon as these shall have been identified.

When at the date of the signature of the present treaty the property, rights and interests the restitution of which is provided for in Article 65 have been liquidated by the authorities of one of the high contracting parties, that party shall be discharged from the obligation to restore the said property, rights and interests by payment of the proceeds of the liquidation to the owner. If, on application being made by the owner, the mixed arbitral tribunal provided for by Section V finds that the liquidation was not effected in such conditions as to ensure the realization of a fair price, it will have the power, in default of agreement between the parties, to order the addition to the proceeds of the liquidation of such amount as it shall consider equitable. The said property, rights and interests shall be restored if the payment is not made within two months from the agreement with the owner or from the decision of the mixed arbitral tribunal mentioned above.

## ARTICLE 67

Greece, Roumania and the Serb-Croat-Slovene State on the one hand, and Turkey on the other hand undertake mutually to facilitate both by appropriate administrative measures and by the delivery of all documents relating thereto the search on their territory for, and the restitution of, movable property of every kind taken away, seized or sequestered by their armies or administrations in the territory of Turkey, or in the territory of Greece, Roumania or the Serb-Croat-Slovene State respectively, which are actually within the territories in question.

Such search and restitution will take place also as regards property of the nature referred to above seized or sequestrated by German, Austro-Hungarian or Bulgarian armies or administrations in the territory of Greece, Roumania or the Serb-Croat-Slovene State, which has been assigned to Turkey or to her nationals, as well as to property seized or sequestrated by the Greek, Roumanian or Serbian armies in Turkish territory, which has been assigned to Greece, Roumania or the Serb-Croat-Slovene State or to their nationals.

Applications relating to such search and restitution must be made within six months from the coming into force of the present treaty.

#### ARTICLE 68

Debts arising out of contracts concluded, in districts in Turkey occupied by the Greek army, between the Greek authorities and administrations on the one hand and Turkish nationals on the other, shall be paid by the Greek Government in accordance with the provisions of the said contracts.

#### ARTICLE 69

No charge, tax or surtax to which, by virtue of the privileges which they enjoyed on the 1st August, 1914, Allied nationals and their property were not subject, shall be collected from Allied subjects or their property in respect of the financial years earlier than the financial year 1922-23.

If any sums have been collected after the 15th May, 1923, in respect of financial years earlier than the financial year 1922-1923, the amount shall be refunded to the persons concerned, as soon as the present treaty comes into force.

No claim for repayment shall be made as regards sums encashed before the 15th May, 1923.

#### ARTICLE 70

Claims based on Articles 65, 66 and 69 must be lodged with the competent authorities within six months, and, in default of agreement, with the mixed arbitral tribunal within twelve months, from the coming into force of the present treaty.

#### ARTICLE 71

The British Empire, France, Italy, Roumania and the Serb-Croat-Slovene State or their nationals having begun claims or suits with regard to their property, rights and interests against the Ottoman Government before the 29th October, 1914, the provisions of this section will not prejudice such claims or suits. Claims or suits begun against the British, French, Italian, Roumanian or Serb-Croat-Slovene Governments by the Ottoman Government or its nationals will similarly not be prejudiced. These claims or suits will be continued against the Turkish Government and against the other

governments mentioned in this article under the conditions existing before the 29th October, 1914, due regard being had to the abolition of the capitulations.

#### ARTICLE 72

In the territories which remain Turkish by virtue of the present treaty, property, rights and interests belonging to Germany, Austria, Hungary and Bulgaria or to their nationals, which before the coming into force of the present treaty have been seized or occupied by the Allied Governments, shall remain in the possession of these governments until the conclusion of arrangements between them and the German, Austrian, Hungarian and Bulgarian Governments or their nationals who are concerned. If the above-mentioned property, rights and interests have been liquidated, such liquidation is confirmed.

In the territories detached from Turkey under the present treaty, the governments exercising authority there shall have power, within one year from the coming into force of the present treaty, to liquidate the property, rights and interests belonging to Germany, Austria, Hungary and Bulgaria or to their nationals.

The proceeds of liquidations, whether they have already been carried out or not, shall be paid to the Reparation Commission established by the treaty of peace concluded with the states concerned, if the property liquidated belongs to the German, Austrian, Hungarian or Bulgarian State. In the case of liquidation of private property, the proceeds of liquidation shall be paid to the owners direct.

The provisions of this article do not apply to Ottoman limited companies.

The Turkish Government shall be in no way responsible for the measures referred to in the present article.

#### SECTION II.—CONTRACTS AND PRESCRIPTIONS

#### ARTICLE 73

The following classes of contracts concluded, before the date mentioned in Article 82, between persons who thereafter became enemies as defined in that article, remain in force subject to the provisions of the contracts and to the stipulations of the present treaty:

(a) Contracts for the sale of real property, even if all formalities may not have been concluded, provided that delivery did in fact take place before the date on which the parties became enemies as defined in Article 82.

(b) Leases and agreements for leases of land and houses entered into between individuals.

(c) Contracts between individuals regarding the exploitation of mines, forests or agricultural estates.

(d) Contracts of mortgage, pledge or lien.



(e) Contracts constituting companies, excepting *sociétés en nom collectif* which do not constitute, under the law to which they are subject, an entity separate from that of the persons of which they are composed (partnerships).

(f) Contracts, whatever may be their purpose, concluded between individuals or companies and the state, provinces, municipalities or other similar juridical persons charged with administrative functions.

(g) Contracts relating to family status.

(h) Contracts relating to gifts or bounties of any kind whatever.

This article cannot be invoked in order to give to contracts a validity different from that which they had in themselves when they were concluded.

It does not apply to concessionary contracts.

#### ARTICLE 74

Insurance contracts governed by the provisions of the annex to this section.

#### ARTICLE 75

Contracts other than those specified in Articles 73 and 74 and other than concessionary contracts, which were entered into between persons who subsequently became enemies, shall be considered as having been annulled as from the date on which the parties became enemies.

Nevertheless, either of the parties to the contract shall have power, within three months from the coming into force of the present treaty, to require the execution of the contract, on condition of paying, where the circumstances demand it, to the other party compensation calculated according to the difference between the conditions prevailing at the time when the contract was concluded and those prevailing at the time when its maintenance is required. In default of agreement between the parties, this compensation shall be fixed by the mixed arbitral tribunal.

#### ARTICLE 76

The validity of all compromises entered into before the coming into force of the present treaty between nationals of the contracting Powers, parties to contracts specified in Articles 73 to 75, particularly those providing for the cancellation, the maintenance, the methods of execution, or the modification of such contracts, including agreements relating to the currency of payment or the rate of exchange, is confirmed.

#### ARTICLE 77

Contracts between Allied and Turkish nationals concluded after the 30th October, 1918, remain in force and will be governed by the ordinary law.

Contracts duly concluded with the Constantinople Government between the 30th October, 1918, and the 16th March, 1920, also remain in force and will be governed by the ordinary law.

All contracts and arrangements duly concluded after the 16th March, 1920, with the Constantinople Government concerning territories which remained under the effective control of the said government, shall be submitted to the Grand National Assembly of Turkey for approval, if the parties concerned make application within three months from the coming into force of the present treaty. Payments made under such contracts shall be duly credited to the party who has made them.

If approval is not granted, the party concerned shall, if the circumstances demand it, be entitled to compensation corresponding to the direct loss which has been actually suffered; such compensation in default of an amicable agreement, shall be fixed by the mixed arbitral tribunal.

The provisions of this article are not applicable either to concessionary contracts or to transfers of concessions.

#### ARTICLE 78

All disputes which already exist, or may arise within the period of six months mentioned below, relating to contracts, other than concessionary contracts, between parties who subsequently became enemies, shall be determined by the mixed arbitral tribunal, with the exception of disputes which, in accordance with the laws of neutral Powers are within the competence of the national courts of those Powers. In the latter case, such disputes shall be determined by the said national courts, to the exclusion of the mixed arbitral tribunal. Applications relating to disputes which, under this article, are within the competence of the mixed arbitral tribunal, must be presented to the said tribunal within a period of six months from the date of its establishment.

After the expiration of this period, disputes which have not been submitted to the mixed arbitral tribunal shall be determined by the competent courts in accordance with the ordinary law.

The provisions of this article do not apply to cases in which all the parties to the contract resided in the same country during the war and there freely disposed of their persons and their property, nor to disputes in respect of which judgment was given by a competent court before the date on which the parties became enemies.

#### ARTICLE 79

All periods whatever of prescription or limitation of right of action, whether they began to run before or after the outbreak of war, shall be treated, in the territory of the high contracting parties so far as regards relations between enemies, as having been suspended from the 29th October, 1914, until the expiration of three months after the coming into force of the present treaty.

This provision applies, in particular, to periods of time allowed for the presentation of interest or dividend coupons, or for the presentation for pay-

ment of securities drawn for redemption or repayable on any other ground.

As regards Roumania, the above-mentioned periods shall be considered as having been suspended as from the 27th August, 1916.

#### ARTICLE 80

As between enemies no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment, or to give notice of non-acceptance or non-payment to drawers or endorsers, or to protest the instrument, nor by reason of failure to complete any formality during the war.

When the period within which a negotiable instrument should have been presented for acceptance or payment, or within which notice of non-acceptance or non-payment should have been given to the drawers or endorsers, or within which the instrument should have been protested, has expired during the war, and when the party who should have presented or protested the instrument or given notice of non-acceptance or non-payment, has failed to do so during the war, a period of three months from the coming into force of the present treaty shall be allowed within which the presentation, notice of non-acceptance or non-payment, or protest may be made.

#### ARTICLE 81

Sales effected during the war in order to realize pledges or mortgages created before the war as security for debts which have become payable, shall be deemed valid, although it may not have been possible to perform all the formalities required for notifying the debtor, subject to the express right of the said debtor to summon the creditor before the mixed arbitral tribunal to render accounts, failing which the creditor will be liable to be cast in damages.

It shall be the duty of the mixed arbitral tribunal to settle the accounts between the parties, to investigate the conditions under which the property pledged or mortgaged was sold, and to order the creditor to make good any loss suffered by the debtor as a result of the sale if the creditor acted in bad faith or if he did not take all steps in his power to avoid having recourse to a sale or to cause the sale to be conducted in such conditions as to ensure the realization of a fair price.

The present provision is applicable only between enemies and does not extend to transactions referred to above which may have been carried out after the 1st May, 1923.

#### ARTICLE 82

For the purposes of the present section, the parties to a contract shall be regarded as enemies from the date on which trading between them became impossible in fact or was prohibited or became unlawful under laws, orders or regulations to which one of the parties was subject.

By way of exception to Articles 73-75, 79 and 80, contracts shall be governed by the ordinary law if they were concluded within the territory of one of the high contracting parties between enemies (including companies) or their agents, if this territory was an enemy country for one of the contracting parties who remained there during the war and was there able to dispose freely of his person and property.

#### ARTICLE 83

The provisions of this section do not apply between Japan and Turkey; matters dealt with in this section shall, in both of these countries, be determined in accordance with the local law.

#### ANNEX

##### I. LIFE ASSURANCE

##### *Paragraph 1*

Life assurance contracts entered into between an insurer and a person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war or by the fact of the person becoming an enemy.

Every sum which, during the war, became due upon a contract deemed not to have been dissolved in accordance with the preceding paragraph, shall be recoverable after the war. This sum shall be increased by interest at 5 per cent. per annum from the date of its becoming due up to the day of payment.

If the contract has lapsed during the war, owing to non-payment of premiums or has become void from breach of the conditions of the contract, the assured, or his representatives, or the persons entitled, shall have the right at any moment within twelve months from the coming into force of the present treaty to claim from the insurer the surrender value of the policy at the date of its lapse or annulation, together with interest at 5 per cent. per annum.

Turkish nationals whose life insurance contracts entered into before the 29th October, 1914, have been cancelled or reduced before the Treaty for non-payment of premiums in accordance with the provisions of the said contracts, shall have the right, within three months from the coming into force of the present treaty, if they are still alive, to restore their policies for the whole of the amount assured. For this purpose they must, after having undergone a medical examination by the doctor of the company, the result of which the company considers satisfactory, pay the premiums in arrear with compound interest at 5 per cent.

##### *Paragraph 2*

It is understood that life assurance contracts in money other than the Turkish pound, entered into before the 29th October, 1914, between com-

panies possessing the nationality of an Allied Power and Turkish nationals, in respect of which the premiums have been paid before and after the 18th November, 1915, or even only before that date, shall be regulated, first, by determining the rights of the assured in accordance with the general conditions of the policy for the period before the 18th November, 1915, in the currency stipulated in the contract at the current rate in its country of origin (for example, every amount stipulated in francs, in gold francs, or in "francs effectifs" will be paid in French francs), secondly, for the period after the 18th November, 1915, in Turkish pounds paper—the Turkish pound being taken at the pre-war par value.

If Turkish nationals whose contracts were entered into in currency other than Turkish currency show that they have continued to pay their premiums since the 18th November, 1915, in the currency stipulated in the contracts, the said contracts shall be settled in the same currency at the current rate in its country of origin, even for the period after the 18th November, 1915.

Turkish nationals whose contracts, entered into before the 29th October, 1914, in currency other than Turkish currency with companies possessing the nationality of an Allied Power are, owing to payment of premiums, still in force, shall have the right within three months after the coming into force of the present Treaty to restore their policies for the full amount, in the currency stipulated in their contract, at the current rate in its country of origin. For this purpose they must pay in this currency the premiums which have become due since the 18th November, 1915. On the other hand, the premiums actually paid by them in Turkish pounds paper since that date will be repaid to them in the same currency.

#### *Paragraph 3*

As regards insurances in Turkish pounds, settlement shall be made in Turkish pounds paper.

#### *Paragraph 4*

The provisions of paragraphs 2 and 3 do not apply to policy holders who, by an express agreement, have already settled with the insurance companies the fixation of the value of their policies and the method of payment of their premiums, nor to those whose policies shall have been finally settled at the date of the coming into force of the present treaty.

#### *Paragraph 5*

For the purposes of the preceding paragraphs, insurance contracts shall be considered as contracts of life insurance when they depend on the probabilities of human life, combined with the rate of interest, for the calculation of the reciprocal engagement between the two parties.



## II. MARINE INSURANCE

*Paragraph 6*

Subject to the provisions therein contained, contracts of marine insurance will not be deemed to have been dissolved where the risk had attached before the parties became enemies, but the policy shall not be deemed to cover losses due to belligerent action by the Power of which the insurer was a national or by the allies of that Power.

## III. FIRE AND OTHER INSURANCES

*Paragraph 7*

Subject to the reserve contained in the preceding paragraph, fire insurance contracts and all other forms of insurance contracts are not deemed to be dissolved.

## SECTION III.—DEBTS

## ARTICLE 84

The high contracting parties are in agreement in recognizing that debts which were payable before the war or which became payable during the war under contracts entered into before the war, and which remained unpaid owing to the war, must be settled and paid, in accordance with the provisions of the contracts, in the currency agreed upon, at the rate current in its country of origin.

Without prejudice to the provisions of the annex to Section II of this part, it is agreed that where payments to be made under a pre-war contract are represented by sums collected during the war in whole or in part in a currency other than that mentioned in the said contract, such payments can be made by handing over the sums actually collected, in the currency in which they were collected. This provision shall not affect settlements inconsistent with the foregoing provisions arrived at by voluntary agreement between the parties before the coming into force of the present Treaty.

## ARTICLE 85

The Ottoman Public Debt is by general agreement left outside the scope of this section and of the other sections of this part (Economic Clauses).

## SECTION IV.—INDUSTRIAL, LITERARY AND ARTISTIC PROPERTY

## ARTICLE 86

Subject to the stipulations of the present treaty, rights of industrial, literary and artistic property as they existed on the 1st August, 1914, in accordance with the law of each of the contracting countries, shall be re-established or restored as from the coming into force of the present treaty in the territories of the high contracting parties in favor of the persons entitled



to the benefit of them at the moment when the state of war commenced, or of their legal representatives. Equally, rights which, but for the war, could have been acquired during the war, by means of an application legally made for the protection of industrial property or of the publication of a literary or artistic work, shall be recognized and established in favor of those persons who would have been entitled thereto, from the coming into force of the present treaty.

Without prejudice to the rights which are required to be restored in accordance with the above provision, all acts (including the grant of licenses) done by virtue of the special measures taken during the war by a legislative, executive or administrative authority of an Allied Power in regard to the rights of Turkish nationals in respect of industrial, literary or artistic property, shall remain in force and continue to have their full effect. This provision applies *mutatis mutandis* to corresponding measures taken by Turkish authorities in regard to the rights of the nationals of any Allied Power.

#### ARTICLE 87

A minimum of one year from the coming into force of the present treaty shall be granted, without surtax or penalty of any kind, to Turkish nationals in the territory of each of the other contracting Powers, and to the nationals of these Powers in Turkey, within which they may accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws and regulations of the respective states for preserving or obtaining or opposing the grant of rights to industrial property which had already been acquired on the 1st August, 1914, or which, but for the war, might have been acquired since that date by means of an application made before or during the war.

Rights to industrial property which have lapsed by reason of any failure to accomplish any act, fulfil any formality, or pay any fees shall be revived, but subject, in the case of patents and designs, to the adoption of such measures as each Power may deem reasonably necessary for the protection of the rights of third parties who have exploited or made use of patents or designs since they had lapsed.

The period from the 1st August, 1914, until the coming into force of the present treaty shall be excluded in calculating the time within which a patent has to be exploited or a trade-mark or design used, and it is further agreed that no patent, trade-mark or design in force on the 1st August, 1914, shall be subject to revocation or cancellation by reason only of the failure to exploit such patent or use such trade-mark or design, for two years after the coming into force of the present treaty.

#### ARTICLE 88

No action shall be brought and no claim made on the one hand by Turkish nationals or persons residing or carrying on business in Turkey, and on the

other hand by nationals of the Allied Powers or persons residing or carrying on their business in the territory of these Powers, nor by third parties having derived title during the war from such persons, by reason of any occurrence which has taken place within the territory of the other party, between the date of the beginning of a state of war and that of the coming into force of the present treaty, which might be held to constitute an infringement of rights of industrial property or rights of literary or artistic property either existing at any time during the war, or revived under the provisions of Article 86.

Among the occurrences referred to above are included the use by the governments of the high contracting parties, or by any person acting on their behalf, or with their consent, of rights of industrial, literary or artistic property, as well as the sale, the offering for sale or the use of products, apparatus, or any articles whatsoever to which these rights apply.

#### ARTICLE 89

Licences for the use of industrial property, or for the reproduction of literary or artistic works, granted before the war by or to nationals of the Allied Powers or persons residing in their territories or carrying on business therein, on the one hand, to or by Turkish nationals on the other hand, shall be considered as cancelled as from the date of the beginning of a state of war between Turkey and the Allied Power concerned. But in any case, the former beneficiary of a licence of this kind shall have the right within a period of six months from the coming into force of the present treaty to require from the proprietor of the rights the grant of a new licence, the conditions of which, in default of agreement between the parties, shall be fixed by the mixed arbitral tribunal referred to in Section V of this part. The tribunal shall have the power, where the circumstances demand it, to fix at the same time the amount which it considers fair payment for the use of the property during the war.

#### ARTICLE 90

The inhabitants of territories detached from Turkey under the present treaty shall, notwithstanding this transfer and the change of nationality consequent thereon, continue in complete enjoyment in Turkey of all the rights in industrial, literary and artistic property to which they were entitled under Ottoman law at the time of transfer.

Rights of industrial, literary and artistic property which are in existence in territories detached from Turkey under the present treaty at the time of separation, or which are re-established or restored by the provisions of Article 86, shall be recognized by the state to which the said territory is transferred, and shall remain in existence in that territory for the same period of time as that which they would have enjoyed under Ottoman law.

## ARTICLE 91

All grants of patents and registrations of trade-marks, as well as all registrations of transfers or assignments of patents or trade-marks which have been duly made since the 30th October, 1918, by the Imperial Ottoman Government at Constantinople or elsewhere, shall be submitted to the Turkish Government and registered, if the parties concerned make an application within three months from the coming into force of the present treaty. Such registration shall have effect as from the date of the original registration.

## SECTION V.—MIXED ARBITRAL TRIBUNAL

## ARTICLE 92

Within three months from the date of the coming into force of the present treaty, a mixed arbitral tribunal shall be established between each of the Allied Powers, on the one hand, and Turkey, on the other hand.

Each of these tribunals shall be composed of three members, two being appointed respectively by each of the governments concerned, who shall be entitled to designate several persons from whom, according to the case in question, they will choose one to sit as a member of the tribunal. The president shall be chosen by agreement between the two governments concerned.

In case of failure to reach agreement within two months from the coming into force of the present treaty, the president shall be appointed, upon the request of one of the governments concerned, from among nationals of Powers which remained neutral during the war, by the President of the Permanent Court of International Justice at The Hague.

If within the said period of two months one of the governments concerned does not appoint a member to represent it on the tribunal, the Council of the League of Nations will have power to proceed to the appointment of such member upon the request of the other government concerned.

If a member of the tribunal should die or resign or for any reason become unable to perform his duties, he shall be replaced by the method laid down for his appointment, the above period of two months running from the date of death, resignation or inability as duly verified.

## ARTICLE 93

The seat of the mixed arbitral tribunals shall be at Constantinople. If the number and character of the cases justify it, the governments concerned shall be entitled to create in each tribunal one or more additional sections, the seat of which shall be in whatever place may be convenient. Each of these sections shall be composed of a vice-president and two members appointed as laid down in the second, third, fourth and fifth paragraphs of Article 92.

Each government shall appoint one or more agents to represent it before the tribunal.

If, after three years from the establishment of a mixed arbitral tribunal, or of one of its sections, such tribunal or section has not finished its work, and if the Power on whose territory such tribunal or section has its seat so requests, the seat shall be removed from such territory.

#### ARTICLE 94

The mixed arbitral tribunals established pursuant to Articles 92 and 93 shall decide all questions within their competence under the present treaty.

Decisions shall be taken by a majority.

The high contracting parties agree to regard the decisions of the mixed arbitral tribunals as final and conclusive, and to render them binding upon their nationals, and to ensure their enforcement in their respective territories as soon as the decisions of the tribunals are notified to them, without it being necessary to have them declared executory.

The high contracting parties further undertake that their tribunals and authorities shall directly assist the mixed arbitral tribunals in every way that is in their power, particularly as regards the transmission of notices and the collection of evidence.

#### ARTICLE 95

The mixed arbitral tribunals shall be guided by justice, equity and good faith.

Each tribunal will determine the language to be used before it, and shall order such translations to be made as are necessary to ensure that the proceedings are completely understood; it will lay down rules and time limits for the procedure to be observed. These rules must be based on the following principles:—

1. The procedure shall include the presentation of a memorial and a counter-memorial respectively, with the option of presenting a reply and a rejoinder. If either of the parties asks for leave to present an oral argument he will be permitted to do so; in such case the other party will have the same right.

2. The tribunal shall have full power to order enquiries, the production of documents, and expert examinations, to make a view, to demand any information, to hear any witnesses and to ask the parties or their representatives for any verbal or written explanations.

3. Subject to any contrary provision in the present treaty, no claim shall be admitted after the expiry of a period of six months from the establishment of the tribunal, except upon express authority contained in a decision of the said tribunal and justified as an exceptional measure by considerations relating to distance or *force majeure*.

4. It shall be the duty of the tribunal to hold as many sittings each week

as may be needed for the prompt despatch of its business, except during vacations, which shall not exceed a total of eight weeks a year.

5. Judgment must always be given within at most two months from the end of the hearing, after which the tribunal will at once proceed to consider its judgment.

6. Oral arguments, if any, shall be heard in public, and in all cases judgment shall be delivered in public.

7. Each mixed arbitral tribunal shall be entitled to hold sittings elsewhere than in the place where its seat is established, if it considers it advantageous for the despatch of business.

#### ARTICLE 96

The governments concerned shall appoint by agreement a secretary-general for each tribunal, and shall each attach to him one or more secretaries. The secretary-general and the secretaries shall be under the orders of the tribunal, which with the consent of the governments concerned shall be entitled to engage any persons whose assistance it may need.

The secretariat of each tribunal shall have its offices at Constantinople. The governments concerned shall have power to establish additional offices in such other places as may be convenient.

Each tribunal shall keep in its secretariat the records, papers and documents relating to the cases submitted to it, and upon the completion of its duties it shall deposit them in the archives of the government of the country where its seat is established. These archives shall always be accessible to the governments concerned.

#### ARTICLE 97

Each government shall pay the emoluments of the member of the mixed arbitral tribunal whom it appoints, as well as those of any agent or secretary appointed by it.

The emoluments of the president and those of the secretary-general shall be fixed by agreement between the governments concerned, and these emoluments and the general expenses of the tribunal shall be paid in equal shares by the two governments.

#### ARTICLE 98

The present section shall not apply to cases between Japan and Turkey, which, according to the terms of the present treaty, would fall within the competence of the mixed arbitral tribunal. Such cases shall be settled by agreement between the two governments.

### SECTION VI.—TREATIES

#### ARTICLE 99

From the coming into force of the present treaty and subject to the provisions thereof, the multilateral treaties, conventions and agreements of an



economic or technical character enumerated below shall enter again into force between Turkey and those of the other contracting Powers party thereto:—

1. Conventions of March 14, 1884, of December 1, 1886, and of March 23, 1887, and Final Protocol of July 7, 1887, regarding the protection of submarine cables;
2. Convention of July 5, 1890, regarding the publication of customs tariffs and the organization of an International Union for the publication of customs tariffs;
3. Arrangement of December 9, 1907, regarding the creation of the International Office of Public Hygiene at Paris;
4. Convention of June 7, 1905, regarding the creation of an International Agricultural Institute at Rome;
5. Convention of July 16, 1863, for the redemption of the toll dues on the Scheldt;
6. Convention of October 29, 1888, regarding the establishment of a definite arrangement guaranteeing the free use of the Suez Canal, subject to the special stipulations provided for by Article 19 of the present treaty;
7. Conventions and agreements of the Universal Postal Union, including the conventions and agreements signed at Madrid on November 30, 1920;
8. International Telegraphic Conventions signed at St. Petersburg on July 10/22, 1875; Regulations and Tariffs drawn up by the International Telegraphic Conference, Lisbon, June 11, 1908.

#### ARTICLE 100

Turkey undertakes to adhere to the conventions or agreements enumerated below, or to ratify them:—

1. Convention of October 11, 1909, regarding the international circulation of motor cars;
2. Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and protocol of May 18, 1907;
3. Convention of September 23, 1910, respecting the unification of certain regulations regarding collisions and salvage at sea;
4. Convention of December 21, 1904, regarding exemption of hospital ships from dues and charges in ports;
5. Conventions of May 18, 1904, of May 4, 1910, and of September 30, 1921, regarding the suppression of the White Slave Traffic;
6. Conventions of May 4, 1910, regarding the suppression of obscene publications;
7. Sanitary Convention of January 17, 1912, Articles 54, 88 and 90 being reserved;
8. Conventions of November 3, 1881, and April 15, 1889, regarding precautionary measures against phylloxera;



9. Opium Convention, signed at The Hague, January 23, 1912, and additional protocol of 1914;

10. International Radio-Telegraphic Convention of July 5, 1912;

11. Convention regarding liquor traffic in Africa, signed at St. Germain-en-Laye, September 10, 1919;

12. Convention revising the General Act of Berlin of February 26, 1885, and the General Act and Declaration of Brussels of July 2, 1890, signed at St. Germain-en-Laye, September 10, 1919;

13. Convention of October 13, 1919, regulating aerial navigation, provided that Turkey obtains, under the protocol of May 1, 1920, such derogations as her geographical situation may render necessary;

14. Convention of September 26, 1906, signed at Berne, prohibiting the use of white phosphorus in the manufacture of matches.

Turkey further undertakes to take part in the elaboration of new international conventions relating to telegraphy and radio-telegraphy.

#### PART IV.—COMMUNICATIONS AND SANITARY QUESTIONS

##### SECTION I.—COMMUNICATIONS

###### ARTICLE 101

Turkey undertakes to adhere to the convention and to the statute respecting the freedom of transit adopted by the Conference of Barcelona on the 14th April, 1921, as well as to the convention and the statute respecting the régime for waterways of international interest adopted by the said conference on the 19th April, 1921, and to the supplementary protocol.

Turkey accordingly undertakes to bring into force the provisions of these conventions, statutes and protocol as from the entry into force of the present treaty.

###### ARTICLE 102

Turkey undertakes to adhere to the declaration of Barcelona, dated the 20th April, 1921, "recognizing the rights of the flag of states not possessing a sea-board."

###### ARTICLE 103

Turkey undertakes to adhere to the recommendations of the Conference of Barcelona, dated the 20th April, 1921, respecting ports placed under an international régime. Turkey will subsequently make known those ports which will be placed under that régime.

###### ARTICLE 104

Turkey undertakes to adhere to the recommendations of the Conference of Barcelona, dated the 20th April, 1921, respecting international railways.

These recommendations will be brought into force by the Turkish Government on the coming into force of the present treaty and subject to reciprocity.

#### ARTICLE 105

On the coming into force of the present treaty, Turkey agrees to subscribe to the conventions and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, regarding the transportation of goods by rail.

#### ARTICLE 106

When, as a result of the fixing of new frontiers, a railway connection between two parts of the same country crosses another country, or a branch line from one country has its terminus in another, the conditions of working, in so far as concerns the traffic between the two countries, shall, subject to any special arrangements, be laid down in an agreement to be concluded between the railway administrations concerned. If these administrations cannot come to an agreement as to the terms of such agreement, those conditions shall be decided by arbitration.

The establishment of all new frontier stations between Turkey and the neighboring states, as well as the working of the lines between those stations, shall be settled by agreements similarly concluded.

#### ARTICLE 107

Travellers and goods coming from or destined for Turkey or Greece, and making use in transit of the three sections of the Oriental railways included between the Græco-Bulgarian frontier and the Græco-Turkish frontier near Kuleli-Burgas, shall not be subject, on account of such transit, to any duty or toll nor to any formality of examination in connection with passports or customs.

A commissioner, who shall be selected by the Council of the League of Nations, shall ensure that the stipulations of this article are carried out.

The Greek and Turkish Governments shall each have the right to appoint a representative to be attached to this commissioner; this representative shall have the duty of drawing the attention of the commissioner to any question relating to the execution of the above-mentioned stipulations, and shall enjoy all the necessary facilities to enable him to accomplish his task. These representatives shall reach an agreement with the commissioner as to the number and nature of the subordinate staff which they will require.

It shall be the duty of the said commissioner to submit, for the decision of the Council of the League of Nations, any question relating to the execution of the said stipulations which he may not have been able to settle. The Greek and Turkish Governments undertake to carry out any decision given by the majority vote of the said Council.

The salary of the said commissioner, as well as the expenses of his work, shall be borne in equal parts by the Greek and Turkish Governments.

In the event of Turkey constructing later a railway line joining Adrianople to the line between Kuleli-Burgas and Constantinople, the stipulations of this article shall lapse in so far as concerns transit between the points on the Greco-Turkish frontier lying near Kuleli-Burgas and Bosna-Keuy respectively.

Each of the two interested Powers shall have the right, after five years from the coming into force of the present treaty, to apply to the Council of the League of Nations with a view to deciding whether it is necessary that the control mentioned in paragraphs 2 to 5 of the present article should be maintained. Nevertheless, it remains understood that the stipulations of paragraph 1 shall remain in force for transit over the two sections of the Oriental railways between the Greco-Bulgarian frontier and Bosna-Keuy.

#### ARTICLE 108

Subject to any special provisions concerning the transfer of ports and railways, whether owned by the Turkish Government or private companies, situated in the territories detached from Turkey under the present Treaty, and similarly subject to any agreements which have been, or may be, concluded between the contracting Powers relating to the concessionnaires and the pensioning of the personnel, the transfer of railways will take place under the following conditions:—

(1) The works and installations of all the railroads shall be left complete and in as good condition as possible;

(2) When a railway system possessing its own rolling-stock is situated in its entirety in transferred territory, such stock shall be left complete with the railway, in accordance with the last inventory before the 30th October, 1918;

(3) As regards lines, the administration of which will in virtue of the present treaty be divided, the distribution of the rolling-stock shall be made by friendly agreement between the administrations taking over the several sections thereof. This agreement shall have regard to the amount of the material registered on those lines in the last inventory before the 30th October, 1918, the length of the track (sidings included) and the nature and amount of the traffic. Failing agreement, the points in dispute shall be settled by arbitration. The arbitral decision shall also, if necessary, specify the locomotives, carriages and wagons to be left on each section, the conditions of their acceptance and such provisional arrangements as may be judged necessary to ensure for a limited period the current maintenance in existing workshops of the transferred stock;

(4) Stocks of stores, fittings and plant shall be left under the same conditions as the rolling-stock.

## ARTICLE 109

In default of any provisions to the contrary, when as the result of the fixing of a new frontier the hydraulic system (canalization, inundation, irrigation, drainage or similar matters) in a state is dependent on works executed within the territory of another state, or when use is made on the territory of a state, in virtue of pre-war usage, of water or hydraulic power, the source of which is on the territory of another state, an agreement shall be made between the states concerned to safeguard the interests and rights acquired by each of them.

Failing an agreement, the matter shall be regulated by arbitration.

## ARTICLE 110

Roumania and Turkey will come to an agreement as to an equitable arrangement for the working conditions of the Constanza-Constantinople cable. Failing agreement, the matter shall be settled by arbitration.

## ARTICLE 111

Turkey renounces on her own behalf and on behalf of her nationals all rights, titles or privileges of whatsoever nature over the whole or part of such cables as no longer land on her territory.

If the cables or portions thereof transferred under the preceding paragraph are privately owned, the governments to which this property is transferred will have to indemnify the owners. Failing agreement respecting the amount of indemnity, this amount will be fixed by arbitration.

## ARTICLE 112

Turkey will retain the rights of property which she may already possess over those cables of which at least one end remains in Turkish territory.

The exercise of the landing rights of the said cables in non-Turkish territory and their working conditions shall be settled in a friendly manner by the states concerned. Failing agreement, the dispute will be settled by arbitration.

## ARTICLE 113

Each of the high contracting parties hereby accepts, in so far as it is concerned, the abolition of foreign post offices in Turkey.

## SECTION II.—SANITARY QUESTIONS

## ARTICLE 114

The Superior Council of Health of Constantinople is abolished. The Turkish administration is entrusted with the sanitary organization of the coasts and frontiers of Turkey.

## ARTICLE 115

A single sanitary tariff, the dues and conditions of which shall be fair, shall be applied to all ships without distinction between the Turkish flag and foreign flags, and to nationals of foreign Powers under the same conditions as to nationals of Turkey.

## ARTICLE 116

Turkey undertakes to respect entirely the right of the sanitary employees whose services have been terminated to compensation to be appropriated out of the funds of the former Superior Council of Health of Constantinople, and all other rights acquired by employees or former employees of the council, or their representatives. All questions relating to such rights, to the employment of the reserve funds of the former Superior Council of Health of Constantinople, or to the final liquidation of the former sanitary administration, as well as all other similar or cognate questions, shall be regulated by a commission *ad hoc* which shall be composed of a representative of each of the Powers represented on the Superior Council of Health of Constantinople except Germany, Austria and Hungary. In the event of disagreement between the members of the said commission on a question relating to the above-mentioned liquidation, or the employment of the funds remaining after that liquidation, every Power represented on the commission shall have the right to bring the matter to the notice of the Council of the League of Nations, whose decision shall be final.

## ARTICLE 117

Turkey and those Powers which are interested in the supervision of the pilgrimages to Jerusalem and to the Hedjaz and the Hedjaz railway shall take such measures as are appropriate in accordance with the provisions of international sanitary conventions. With a view to ensuring complete uniformity in the execution of these measures, these Powers and Turkey shall constitute a Sanitary Co-ordination Commission for pilgrimages, on which the sanitary service of Turkey and the Maritime Sanitary and Quarantine Council of Egypt shall be represented.

This commission must obtain the previous consent of the state on whose territory it holds its meeting.

## ARTICLE 118

Reports on the work of the Pilgrimage Co-ordination Commission shall be addressed to the Health Committee of the League of Nations and to the International Office of Public Health, and also to the government of each country which is interested in pilgrimages and makes a request therefor. The commission will give its opinion on every question put to it by the League of Nations, by the International Office of Public Health, or by the interested governments.



## PART V.—MISCELLANEOUS PROVISIONS

## 1. PRISONERS OF WAR

## ARTICLE 119

The high contracting parties agree to repatriate at once the prisoners of war and interned civilians who are still in their hands.

The exchange of prisoners of war and interned civilians detained by Greece and Turkey respectively forms the subject of a separate agreement between those Powers signed at Lausanne on the 30th January, 1923.

## ARTICLE 120

Prisoners of war and interned civilians awaiting disposal or undergoing sentence for offences against discipline shall be repatriated irrespective of the completion of their sentence or of the proceedings pending against them.

Prisoners of war and interned civilians who are awaiting trial or undergoing sentence for offences other than those against discipline may be detained.

## ARTICLE 121

The high contracting parties agree to give every facility in their respective territories for the search for the missing and the identification of prisoners of war and interned civilians who have expressed their desire not to be repatriated.

## ARTICLE 122

The high contracting parties undertake to restore on the coming into force of the present treaty all articles, money, securities, documents and personal effects of every description which have belonged to prisoners of war or interned civilians and which have been retained.

## ARTICLE 123

The high contracting parties waive reciprocally all repayments of sums due for the maintenance of prisoners of war captured by their armies.

## 2. GRAVES

## ARTICLE 124

Without prejudice to the special provisions of Article 126 of the present treaty, the high contracting parties will cause to be respected and maintained within the territories under their authority the cemeteries, graves, ossuaries and memorials of soldiers and sailors who fell in action or died from wounds, accident or disease since the 29th October, 1914, as well as of prisoners of war and interned civilians who died in captivity after that date.

The high contracting parties will agree to accord in their respective ter-



ritories all necessary facilities to such commissions as each contracting Power may appoint for the purpose of the identification, registration and maintenance of the said cemeteries, ossuaries and graves, and the erection of memorials on their sites. Such commissions shall not have any military character.

The high contracting parties reciprocally undertake, subject to the provisions of their national laws and the requirements of public health, to furnish each other every facility for giving effect to requests that the bodies of such soldiers and sailors may be transferred to their own country.

#### ARTICLE 125

The high contracting parties further undertake to furnish each other:

(1) A complete list of prisoners of war and interned civilians who have died in captivity, together with all information tending towards their identification.

(2) All information as to the number and position of the graves of all those who have been buried without identification.

#### ARTICLE 126

The maintenance of the graves, cemeteries, ossuaries and memorials of Turkish soldiers, sailors and prisoners of war who may have died on Roumanian territory since the 27th August, 1916, as well as all other obligations under Articles 124 and 125 regarding interned civilians, shall form the object of a special arrangement between the Roumanian and the Turkish Governments.

#### ARTICLE 127

In order to complete the general provisions included in Articles 124 and 125, the Governments of the British Empire, France and Italy on the one hand and the Turkish and Greek Governments on the other agree to the special provisions contained in Articles 128 to 136.

#### ARTICLE 128

The Turkish Government undertakes to grant to the Governments of the British Empire, France and Italy respectively and in perpetuity the land within the Turkish territory in which are situated the graves, cemeteries, ossuaries or memorials of their soldiers and sailors who fell in action or died of wounds, accident or disease, as well as those of prisoners of war and interned civilians who died in captivity.

The Turkish Government will also grant to those governments the land which the commissions provided for in Article 130 shall consider necessary for the establishment of cemeteries for the regrouping of graves, for ossuaries or memorials.

The Turkish Government undertakes further to give free access to these

graves, cemeteries, ossuaries and memorials, and if need be to authorize the construction of the necessary roads and pathways.

The Greek Government undertakes to fulfil the same obligations in so far as concerns its territory.

The above provisions shall not affect Turkish or Greek sovereignty over the land thus granted.

#### ARTICLE 129

The land to be granted by the Turkish Government will include in particular, as regards the British Empire, the area in the region known as Anzac (Ari Burnu), which is shown on map No. 3.<sup>5</sup> The occupation of the above-mentioned area shall be subject to the following conditions:

(1) This area shall not be applied to any purpose other than that laid down in the present treaty; consequently it shall not be utilized for any military or commercial object nor for any other object foreign to the purpose mentioned above;

(2) The Turkish Government shall, at all times, have the right to cause this area, including the cemeteries, to be inspected;

(3) The number of civil custodians appointed to look after the cemeteries shall not exceed one custodian to each cemetery. There shall not be any special custodians for the parts of the area lying outside the cemeteries;

(4) No dwelling houses may be erected in the area, either inside or outside the cemeteries, except such as are strictly necessary for the custodians;

(5) On the sea shore of the area no quay, jetty or wharfs may be built to facilitate the landing or embarkation of persons or goods;

(6) Such formalities as may be required may only be fulfilled on the coast inside the Straits and access to the area by the coast on the Ægean Sea shall only be permitted after these formalities have been fulfilled. The Turkish Government agrees that these formalities, which shall be as simple as possible, shall not be, without prejudice to the other stipulations of this article, more onerous than those imposed on other foreigners entering Turkey, and that they should be fulfilled under conditions tending to avoid all unnecessary delay;

(7) Persons who desire to visit the area must not be armed, and the Turkish Government have the right to see to the enforcement of this strict prohibition;

(8) The Turkish Government must be informed at least a week in advance of the arrival of any party of visitors exceeding 150 persons.

#### ARTICLE 130

Each of the British, French and Italian Governments shall appoint a commission, on which the Turkish and Greek Governments will appoint a representative, to which will be entrusted the duty of regulating on the spot

<sup>5</sup> Omitted from this SUPPLEMENT.

questions affecting the graves, cemeteries, ossuaries and memorials. The duties of these commissions shall extend particularly to:

(1) the official recognition of the zones where burials have or may have already taken place and the registration of cemeteries, ossuaries, or memorials already existing;

(2) fixing the conditions in which, if necessary, graves may in future be concentrated, and deciding, in conjunction with the Turkish representative in Turkish territory and the Greek representative in Greek territory, the sites of the cemeteries, ossuaries and memorials still to be established, and defining the boundaries of these sites in such a way as shall restrict the land to be occupied within the limits indispensable for the purpose;

(3) communicating to the Turkish and Greek Governments in the name of the respective governments a final plan of their graves, cemeteries, ossuaries and memorials, whether already established or to be established.

#### ARTICLE 131

The government in whose favor the grant is made undertakes not to employ the land nor to allow it to be employed for any purpose other than that to which it is dedicated. If this land is situated on the coast, the shore may not be employed by the concessionary government for any military, marine or commercial purpose of whatever nature. The sites of graves and cemeteries which may no longer be used for that purpose and which are not used for the erection of memorials shall be returned to the Turkish or Greek Government.

#### ARTICLE 132

Any necessary legislative or administrative measures for the grant to the British, French and Italian Governments respectively of full, exclusive and perpetual use of the land referred to in Articles 128 to 130 shall be taken by the Turkish Government and Greek Government respectively within six months of the date of the notification to be made in accordance with paragraph 3 of Article 130. If any compulsory acquisition of the land is necessary, it will be effected by and at the cost of the Turkish Government or the Greek Government, as the case may be.

#### ARTICLE 133

The British, French and Italian Governments may respectively entrust to such organizations as each of them may deem fit the establishment, arrangement and maintenance of the graves, cemeteries, ossuaries and memorials of their nationals. These organizations shall have no military character. They alone shall have the right to undertake the exhumation or removal of bodies necessary for the concentration of graves and establishment of cemeteries and ossuaries, as well as the exhumation and removal of such bodies as the governments to whom the grant of land is made shall deem it necessary to transfer to their own country.

## ARTICLE 134

The British, French and Italian Governments shall have the right to entrust the maintenance of their graves, cemeteries, ossuaries and memorials in Turkey to custodians appointed from among their own nationals. These custodians shall be recognized by the Turkish authorities and shall receive from them every assistance necessary for the safeguard and protection of these graves, cemeteries, ossuaries and memorials. The custodians shall have no military character, but may be armed for their personal defence with a revolver or automatic pistol.

## ARTICLE 135

The land referred to in Articles 128 to 131 shall not be subjected by Turkey or the Turkish authorities, or by Greece or the Greek authorities, as the case may be, to any form of rent or taxation. Representatives of the British, French or Italian Governments, as well as persons desirous of visiting the graves, cemeteries, ossuaries and memorials, shall at all times have free access thereto. The Turkish Government and the Greek Government respectively undertake to maintain in perpetuity the roads leading to the said land.

The Turkish Government and the Greek Government respectively undertake to afford to the British, French and Italian Governments all necessary facilities for obtaining a sufficient water supply for the requirements of the staff engaged in the maintenance or protection of the said graves, cemeteries, ossuaries and memorials, and for the irrigation of the land.

## ARTICLE 136

The British, French and Italian Governments undertake to accord to the Turkish Government the benefits of the provisions contained in Articles 128 and 130 to 135 of the present treaty for the establishment of graves, cemeteries, ossuaries and memorials of Turkish soldiers and sailors existing on the territories under their authority, including the territories detached from Turkey.

## 3. GENERAL PROVISIONS

## ARTICLE 137

Subject to any agreements concluded between the high contracting parties, the decisions taken and orders issued since the 30th October, 1918, until the coming into force of the present treaty, by or in agreement with the authorities of the Powers who have occupied Constantinople, and concerning the property, rights and interests of their nationals, of foreigners or of Turkish nationals, and the relations of such persons with the authorities of Turkey, shall be regarded as definitive and shall give rise to no claim against these Powers or their authorities.

All other claims arising from injury suffered in consequence of any such decisions or orders shall be submitted to the Mixed Arbitral Tribunal.

#### ARTICLE 138

In judicial matters, the decisions given and orders issued in Turkey from the 30th October, 1918, until the coming into force of the present treaty by all judges, courts or authorities of the Powers who have occupied Constantinople, or by the Provisional Mixed Judicial Commission established on the 8th December, 1921, as well as the measures taken in execution of such decisions or orders, shall be regarded as definitive, without prejudice, however, to the terms of paragraphs IV and VI of the amnesty declaration dated this day.

Nevertheless, in the event of a claim being presented by a private person in respect of damage suffered by him in consequence of a judicial decision in favor of another private person given in a civil matter by a military or police court, this claim shall be brought before the Mixed Arbitral Tribunal, which may in a proper case, order the payment of compensation or even restitution of the property in question.

#### ARTICLE 139

Archives, registers, plans, title-deeds and other documents of every kind relating to the civil, judicial or financial administration, or the administration of Wakfs, which are at present in Turkey and are only of interest to the government of a territory detached from the Ottoman Empire, and reciprocally those in a territory detached from the Ottoman Empire which are only of interest to the Turkish Government, shall reciprocally be restored.

Archives, registers, plans, title-deeds and other documents mentioned above which are considered by the government in whose possession they are as being also of interest to itself, may be retained by that government, subject to its furnishing on request photographs or certified copies to the government concerned.

Archives, registers, plans, title-deeds and other documents which have been taken away either from Turkey or from detached territories shall reciprocally be restored in original, in so far as they concern exclusively the territories from which they have been taken.

The expense entailed by these operations shall be paid by the Government applying therefor.

The above stipulations apply in the same manner to the registers relating to real estates or Wakfs in the districts of the former Ottoman Empire transferred to Greece after 1912.

#### ARTICLE 140

Prizes made during the war between Turkey and the other contracting Powers prior to the 30th October, 1918, shall give rise to no claim on either



side. The same shall apply to seizures effected after that date, for violation of the armistice, by the Powers who have occupied Constantinople.

It is understood that no claim shall be made, either by the governments of the Powers who have occupied Constantinople or their nationals, or by the Turkish Government or its nationals, respecting small craft of all kinds, vessels of light tonnage, yachts and lighters which any of the said governments may, between the 29th October, 1914, until the 1st January, 1923, have disposed of in their own harbors or in harbors occupied by them. Nevertheless, this stipulation does not prejudice the terms of paragraph VI of the Amnesty Declaration dated this day, nor the claims which private persons may be able to establish against other private persons in virtue of rights held before the 29th October, 1914.

Vessels under the Turkish flag seized by the Greek forces after the 30th October, 1918, shall be restored to Turkey.

#### ARTICLE 141

In accordance with Article 25 of the present treaty, Articles 155, 250 and 440 and Annex III, Part VIII (Reparation) of the Treaty of Peace of Versailles, dated the 28th June, 1919, the Turkish Government and its nationals are released from any liability to the German Government or to its nationals in respect of German vessels which were the object during the war of a transfer by the German Government or its nationals to the Ottoman Government or its nationals without the consent of the Allied Governments, and at present in the possession of the latter.

The same shall apply, if necessary, in the relations between Turkey and the other Powers which fought on her side.

#### ARTICLE 142

The separate convention concluded on the 30th January, 1923, between Greece and Turkey, relating to the exchange of the Greek and Turkish populations, will have as between these two high contracting parties the same force and effect as if it formed part of the present treaty.

#### ARTICLE 143

The present treaty shall be ratified as soon as possible.

The ratifications shall be deposited at Paris.

The Japanese Government will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris when their ratification has been given; in that case, they must transmit the instrument of ratification as soon as possible.

Each of the signatory Powers will ratify by one single instrument the present treaty and the other instruments signed by it and mentioned in the Final Act of the Conference of Lausanne, in so far as these require ratification.



A first *procès-verbal* of the deposit of ratifications shall be drawn up as soon as Turkey, on the one hand, and the British Empire, France, Italy and Japan, or any three of them, on the other hand, have deposited the instruments of their ratifications.

From the date of this first *procès-verbal* the treaty will come into force between the high contracting parties who have thus ratified it. Thereafter it will come into force for the other Powers at the date of the deposit of their ratifications.

As between Greece and Turkey, however, the provisions of Articles 1, 2 (2) and 5-11 inclusive will come into force as soon as the Greek and Turkish Governments have deposited the instruments of their ratifications, even if at that time the *procès-verbal* referred to above has not yet been drawn up.

The French Government will transmit to all the signatory Powers a certified copy of the *procès-verbaux* of the deposit of ratifications.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at Lausanne, the 24th July, 1923, in a single copy, which will be deposited in the archives of the Government of the French Republic, which will transmit a certified copy to each of the contracting Powers.

[L.S.] HORACE RUMBOLD.	[L.S.] CONST. DIAMANDY.
[L.S.] PELLÉ.	[L.S.] CONST. CONTZESCO.
[L.S.] GARRONI.	[ ] .....
[L.S.] G. C. MONTAGNA.	[L.S.] M. ISMET.
[L.S.] K. OTCHIAL.	[L.S.] DR. RIZA NOUR.
[L.S.] E. K. VENISELOS.	[L.S.] HASSAN.
[L.S.] D. CACLAMANOS.	

## II. CONVENTION RELATING TO THE RÉGIME OF THE STRAITS

The British Empire, France, Italy, Japan, Bulgaria, Greece, Roumania, Russia, the Serb-Croat-Slovene State and Turkey, being desirous of ensuring in the Straits freedom of transit and navigation between the Mediterranean Sea and the Black Sea for all nations, in accordance with the principle laid down in Article 23 of the Treaty of Peace signed this day,

And considering that the maintenance of that freedom is necessary to the general peace and the commerce of the world,

Have decided to conclude a convention to this effect, and have appointed as their respective plenipotentiaries:

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

The Right Honorable Sir Horace George Montagu Rumbold, Baronet, G.C.M.G., High Commissioner at Constantinople;

## THE PRESIDENT OF THE FRENCH REPUBLIC:

General Maurice Pellé, Ambassador of France, High Commissioner of the Republic in the East, Grand Officer of the National Order of the Legion of Honor;

## HIS MAJESTY THE KING OF ITALY:

The Honorable Marquis Camillo Garroni, Senator of the Kingdom, Ambassador of Italy, High Commissioner at Constantinople, Grand Cross of the Orders of Saints Maurice and Lazarus, and of the Crown of Italy;

M. Giulio Cesare Montagna, Envoy Extraordinary and Minister Plenipotentiary at Athens, Commander of the Order of Saints Maurice and Lazarus, Grand Officer of the Crown of Italy;

## HIS MAJESTY THE EMPEROR OF JAPAN:

Mr. Kentaro Otchiai, Jusammi, First Class of the Order of the Rising Sun, Ambassador Extraordinary and Plenipotentiary at Rome;

## HIS MAJESTY THE KING OF THE BULGARIANS:

M. Bogdan Morphof, formerly Minister of Railways, Posts and Telegraphs;

M. Dimitri Stanciof, Doctor of Law, Envoy Extraordinary and Minister Plenipotentiary at London, Grand Cross of the Order of Saint Alexander;

## HIS MAJESTY THE KING OF THE HELLENES:

M. Eleftherios K. Veniselos, formerly President of the Council of Ministers, Grand Cross of the Order of the Savior;

M. Demetrios Caclamanos, Minister Plenipotentiary at London, Commander of the Order of the Savior;

## HIS MAJESTY THE KING OF ROUMANIA:

M. Constantine I. Diamandy, Minister Plenipotentiary;

M. Constantine Contzesco, Minister Plenipotentiary;

## RUSSIA:

M. Nicolas Ivanovitch Iordanski;

## HIS MAJESTY THE KING OF THE SERBS, THE CROATS AND THE SLOVENES:

Dr. Miloutine Yovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Berne;

## THE GOVERNMENT OF THE GRAND NATIONAL ASSEMBLY OF TURKEY:

Ismet Pasha, Minister for Foreign Affairs, Deputy for Adrianople;

Dr. Riza Nur Bey, Minister for Health and for Public Assistance, Deputy for Sinope;

Hassan Bey, formerly Minister, Deputy for Trebizond;

Who, having produced their full powers, found in good and due form, have agreed as follows:

## ARTICLE 1

The high contracting parties agree to recognize and declare the principle of freedom of transit and of navigation by sea and by air in the Strait of the

Dardanelles, the Sea of Marmora and the Bosphorus, hereinafter comprised under the general term of the "Straits."

## ARTICLE 2

The transit and navigation of commercial vessels and aircraft, and of war vessels and aircraft in the Straits in time of peace and in time of war shall henceforth be regulated by the provisions of the attached annex.

### ANNEX

#### RULES FOR THE PASSAGE OF COMMERCIAL VESSELS AND AIRCRAFT, AND OF WAR VESSELS AND AIRCRAFT THROUGH THE STRAITS

##### 1

#### *Merchant Vessels, including Hospital Ships, Yachts and Fishing Vessels and non-Military Aircraft*

(a) *In time of peace.*

Complete freedom of navigation and passage by day and by night under any flag and with any kind of cargo, without any formalities, or tax, or charge whatever (subject, however, to international sanitary provisions) unless for services directly rendered, such as pilotage, light, towage or other similar charges, and without prejudice to the rights exercised in this respect by the services and undertakings now operating under concessions granted by the Turkish Government.

To facilitate the collection of these dues, merchant vessels passing the Straits will communicate to stations appointed by the Turkish Government their name, nationality, tonnage and destination.

Pilotage remains optional.

(b) *In time of war, Turkey being neutral.*

Complete freedom of navigation and passage by day and by night under the same conditions as above. The duties and rights of Turkey as a neutral Power cannot authorize her to take any measures liable to interfere with navigation through the Straits, the waters of which, and the air above which, must remain entirely free in time of war, Turkey being neutral just as in time of peace.

Pilotage remains optional.

(c) *In time of war, Turkey being a belligerent.*

Freedom of navigation for neutral vessels and neutral non-military aircraft, if the vessel or aircraft in question does not assist the enemy, particularly by carrying contraband, troops or enemy nationals. Turkey will have the right to visit and search such vessels and aircraft, and for this purpose aircraft are to alight on the ground or on the sea in such areas as are specified and prepared for this purpose by Turkey. The rights of Turkey to apply to enemy vessels the measures allowed by international law are not affected.

Turkey will have full power to take such measures as she may consider necessary to prevent enemy vessels from using the Straits. These measures, however, are not to be of such a nature as to prevent the free passage of neutral vessels, and Turkey agrees to provide such vessels with either the necessary instructions or pilots for the above purpose.

##### 2

#### *Warships, including Fleet Auxiliaries, Troopships, Aircraft Carriers and Military Aircraft*

(a) *In time of peace.*

Complete freedom of passage by day and by night under any flag, without any formalities, or tax, or charge whatever, but subject to the following restrictions as to the total force:

The maximum force which any one Power may send through the Straits into the Black Sea is not to be greater than that of the most powerful fleet of the littoral Powers of the Black Sea existing in that sea at the time of passage; but with the proviso that the Powers reserve to themselves the right to send into the Black Sea, at all times and under all circumstances, a force of not more than three ships, of which no individual ship shall exceed 10,000 tons.

Turkey has no responsibility in regard to the number of war vessels which pass through the Straits.

In order to enable the above rule to be observed, the Straits commission provided for in Article 10 will, on the 1st January and the 1st July of each year, enquire of each Black Sea littoral Power the number of each of the following classes of vessel which such Power possesses in the Black Sea: Battle-ships, battle-cruisers, aircraft-carriers, cruisers, destroyers, submarines, or other types of vessels as well as naval aircraft; distinguishing between the ships which are in active commission and the ships with reduced complements, the ships in reserve and the ships undergoing repairs or alterations.

The Straits commission will then inform the Powers concerned that the strongest naval force in the Black Sea comprises: Battleships, battle-cruisers, aircraft carriers, cruisers, destroyers, submarines, aircraft and units of other types which may exist. The Straits commission will also immediately inform the Powers concerned when, owing to the passage into or out of the Black Sea of any ship of the strongest Black Sea force, any alteration in that force has taken place.

The naval force that may be sent through the Straits into the Black Sea will be calculated on the number and type of the ships of war in active commission only.

(b) *In time of war, Turkey being neutral.*

Complete freedom of passage by day and by night under any flag, without any formalities, or tax, or charge whatever, under the same limitations as in paragraph 2 (a).

However, these limitations will not be applicable to any belligerent Power to the prejudice of its belligerent rights in the Black Sea.

The rights and duties of Turkey as a neutral Power cannot authorize her to take any measures liable to interfere with navigation through the Straits, the waters of which, and the air above which, must remain entirely free in time of war, Turkey being neutral, just as in time of peace.

Warships and military aircraft of belligerents will be forbidden to make any capture, to exercise the right of visit and search, or to carry out any other hostile act in the Straits.

As regards revictualling and carrying out repairs, war vessels will be subject to the terms of the Thirteenth Hague Convention of 1907, dealing with maritime neutrality.

Military aircraft will receive in the Straits similar treatment to that accorded under the Thirteenth Hague Convention of 1907 to warships, pending the conclusion of an international convention establishing the rules of neutrality for aircraft.

(c) *In time of war, Turkey being belligerent.*

Complete freedom of passage for neutral warships, without any formalities, or tax, or charge whatever, but under the same limitations as in paragraph 2 (a).

The measures taken by Turkey to prevent enemy ships and aircraft from using the Straits are not to be of such a nature as to prevent the free passage of neutral ships and aircraft, and Turkey agrees to provide the said ships and aircraft with either the necessary instructions or pilots for the above purpose.

Neutral military aircraft will make the passage of the Straits at their own risk and peril, and will submit to investigation as to their character. For this purpose aircraft are to alight on the ground or on the sea in such areas as are specified and prepared for this purpose by Turkey.

3

(a) The passage of the Straits by submarines of Powers at peace with Turkey must be made on the surface.

(b) The officer in command of a foreign naval force, whether coming from the Mediterranean or the Black Sea, will communicate, without being compelled to stop, to a signal station at the entrance to the Dardanelles or the Bosphorus, the number and the names of vessels under his orders which are entering the Straits.

These signal stations shall be notified from time to time by Turkey; until such signal stations are notified, the freedom of passage for foreign war vessels in the Straits shall not thereby be prejudiced, nor shall their entry into the Straits be for this reason delayed.

(c) The right of military and non-military aircraft to fly over the Straits, under the conditions laid down in the present rules, necessitates for aircraft—

- (i) Freedom to fly over a strip of territory of five kilometres wide on each side of the narrow parts of the Straits;
- (ii) Liberty, in the event of a forced landing, to alight on the coast or on the sea in the territorial waters of Turkey.

4

*Limitation of Time of Transit for Warships*

In no event shall warships in transit through the Straits, except in the event of damage or peril of the sea, remain therein beyond the time which is necessary for them to effect their passage, including the time of anchorage during the night if necessary for safety of navigation.

5

*Stay in the Ports of the Straits and of the Black Sea*

(a) Paragraphs 1, 2 and 3 of this annex apply to the passage of vessels, warships and aircraft through and over the Straits and do not affect the right of Turkey to make such regulations as she may consider necessary regarding the number of men-of-war and military aircraft of any one Power which may visit Turkish ports or aerodromes at one time, and the duration of their stay.

(b) Littoral Powers of the Black Sea will also have a similar right as regards their ports and aerodromes.

(c) The light-vessels which the Powers at present represented on the European commission of the Danube maintain as *stationnaires* at the mouths of that river as far up as Galatz will be regarded as additional to the men-of-war referred to in paragraph 2, and may be replaced in case of need.

6

*Special Provisions relating to Sanitary Protection*

Warships which have on board cases of plague, cholera or typhus, or which have had such cases on board during the last seven days, and warships which have left an infected port within less than five times 24 hours must pass through the Straits in quarantine and apply by the means on board such prophylactic measures as are necessary to prevent any possibility of the Straits being infected.

The same rule shall apply to merchant ships having a doctor on board and passing straight through the Straits without calling at a port or breaking bulk.

Merchant ships not having a doctor on board shall be obliged to comply with the international sanitary regulations before entering the Straits, even if they are not to call at a port therein.

Warships and merchant vessels calling at one of the ports in the Straits shall be subject in that port to the international sanitary regulations applicable in the port in question.

ARTICLE 3

With a view to maintaining the Straits free from any obstacle to free passage and navigation, the provisions contained in Articles 4 to 9 will be



applied to the waters and shores thereof as well as to the islands situated therein, or in the vicinity.

#### ARTICLE 4

The zones and islands indicated below shall be demilitarized:

1. Both shores of the Straits of the Dardanelles and the Bosphorus over the extent of the zones delimited below (see the attached map)<sup>6</sup>:

*Dardanelles:*

*On the north-west*, the Gallipoli Peninsula and the area south-east of a line traced from a point on the Gulf of Xeros 4 kilometres north-east of Bakla-Barnu, reaching the Sea of Marmora at Kumbaghi and passing south of Kavak (this village excluded);

*On the south-east*, the area included between the coast and a line 20 kilometres from the coast, starting from Cape Eski-Stamboul opposite Tenedos and reaching the Sea of Marmora at a point on the coast immediately north of Karabigha.

*Bosphorus* (without prejudice to the special provisions relating to Constantinople contained in Article 8):

*On the east*, the area extending up to a line 15 kilometres from the eastern shore of the Bosphorus;

*On the west*, the area up to a line 15 kilometres from the western shore of the Bosphorus.

2. All the islands in the Sea of Marmora, with the exception of the island of Emir Ali Adasi.

3. In the Ægean Sea, the islands of Samothrace, Lemnos, Imbros, Tenedos and Rabbit Islands.

#### ARTICLE 5

A commission composed of four representatives appointed respectively by the Governments of France, Great Britain, Italy and Turkey shall meet within 15 days of the coming into force of the present convention to determine on the spot the boundaries of the zone laid down in Article 4 (1).

The governments represented on that commission will pay the salaries of their respective representatives.

Any general expenses incurred by the commission shall be borne in equal shares by the Powers represented thereon.

#### ARTICLE 6

Subject to the provisions of Article 8 concerning Constantinople, there shall exist, in the demilitarized zones and islands, no fortifications, no permanent artillery organization, no submarine engines of war other than submarine vessels, no military aerial organization, and no naval base.

No armed forces shall be stationed in the demilitarized zones and islands except the police and gendarmerie forces necessary for the maintenance of

<sup>6</sup> Omitted from this SUPPLEMENT

order; the armament of such forces will be composed only of revolvers, swords, rifles and four Lewis guns per hundred men, and will exclude any artillery.

In the territorial waters of the demilitarized zones and islands, there shall exist no submarine engines of war other than submarine vessels.

Notwithstanding the preceding paragraphs Turkey will retain the right to transport her armed forces through the demilitarized zones and islands of Turkish territory, as well as through their territorial waters, where the Turkish fleet will have the right to anchor.

Moreover, in so far as the Straits are concerned, the Turkish Government shall have the right to observe by means of aeroplanes or balloons both the surface and the bottom of the sea. Turkish aeroplanes will always be able to fly over the waters of the Straits and the demilitarized zones of Turkish territory, and will have full freedom to alight therein, either on land or on sea.

In the demilitarized zones and islands and in their territorial waters, Turkey and Greece shall similarly be entitled to effect such movements of personnel as are rendered necessary for the instruction outside these zones and islands of the men recruited therein.

Turkey and Greece shall have the right to organize in the said zones and islands in their respective territories any system of observation and communication, both telegraphic, telephonic and visual. Greece shall be entitled to send her fleet into the territorial waters of the demilitarized Greek islands, but may not use these waters as a base of operations against Turkey nor for any military or naval concentration for this purpose.

#### ARTICLE 7

No submarine engines of war other than submarine vessels shall be installed in the waters of the Sea of Marmora.

The Turkish Government shall not instal any permanent battery or torpedo tubes, capable of interfering with the passage of the Straits, in the coastal zone of the European shore of the Sea of Marmora or in the coastal zone on the Anatolian shore situated to the east of the demilitarized zone of the Bosphorus as far as Darije.

#### ARTICLE 8

At Constantinople, including for this purpose Stamboul, Pera, Galata, Scutari, as well as Princes' Islands, and in the immediate neighborhood of Constantinople, there may be maintained for the requirements of the capital, a garrison with a maximum strength of 12,000 men. An arsenal and naval base may also be maintained at Constantinople.

#### ARTICLE 9

If, in case of war, Turkey, or Greece, in pursuance of their belligerent rights, should modify in any way the provisions of demilitarization pre-

scribed above, they will be bound to reestablish as soon as peace is concluded the régime laid down in the present convention.

#### ARTICLE 10

There shall be constituted at Constantinople an international commission composed in accordance with Article 12 and called the "Straits Commission."

#### ARTICLE 11

The commission will exercise its functions over the waters of the Straits.

#### ARTICLE 12

The commission shall be composed of a representative of Turkey, who shall be president, and representatives of France, Great Britain, Italy, Japan, Bulgaria, Greece, Roumania, Russia, and the Serb-Croat-Slovene State, in so far as these Powers are signatories of the present convention, each of these Powers being entitled to representation as from its ratification of the said convention.

The United States of America, in the event of their acceding to the present convention, will also be entitled to have one representative on the commission.

Under the same conditions any independent littoral states of the Black Sea which are not mentioned in the first paragraph of the present article will possess the same right.

#### ARTICLE 13

The governments represented on the commission will pay the salaries of their representatives. Any incidental expenditure incurred by the commission will be borne by the said governments in the proportion laid down for the division of the expenses of the League of Nations.

#### ARTICLE 14

It will be the duty of the commission to see that the provisions relating to the passage of warships and military aircraft are carried out; these provisions are laid down in paragraphs 2, 3 and 4 of the annex to Article 2.

#### ARTICLE 15

The Straits Commission will carry out its functions under the auspices of the League of Nations, and will address to the League an annual report giving an account of its activities, and furnishing all information which may be useful in the interests of commerce and navigation; with this object in view the commission will place itself in touch with the departments of the Turkish Government dealing with navigation through the Straits.

## ARTICLE 16

It will be the duty of the commission to prescribe such regulations as may be necessary for the accomplishment of its task.

## ARTICLE 17

The terms of the present convention will not infringe the right of Turkey to move her fleet freely in Turkish waters.

## ARTICLE 18

The high contracting parties, desiring to secure that the demilitarization of the Straits and of the contiguous zones shall not constitute an unjustifiable danger to the military security of Turkey, and that no act of war should imperil the freedom of the Straits or the safety of the demilitarized zones, agree as follows:

Should the freedom of navigation of the Straits or the security of the demilitarized zones be imperilled by a violation of the provisions relating to freedom of passage, or by a surprise attack or some act of war or threat of war, the high contracting parties, and in any case France, Great Britain, Italy and Japan, acting in conjunction, will meet such violation, attack, or other act of war or threat of war, by all the means that the Council of the League of Nations may decide for this purpose.

So soon as the circumstance which may have necessitated the action provided for in the preceding paragraph shall have ended, the régime of the Straits as laid down by the terms of the present convention shall again be strictly applied.

The present provision, which forms an integral part of those relating to the demilitarization and to the freedom of the Straits, does not prejudice the right and obligations of the high contracting parties under the Covenant of the League of Nations.

## ARTICLE 19

The high contracting parties will use every possible endeavor to induce non-signatory Powers to accede to the present convention.

This adherence will be notified through the diplomatic channel to the Government of the French Republic, and by that Government to all signatory or adhering states. The adherence will take effect as from the date of notification to the French Government.

## ARTICLE 20

The present convention shall be ratified. The ratifications shall be deposited at Paris as soon as possible.

The convention will come into force in the same way as the Treaty of Peace signed this day. In so far as concerns those Powers who are not signatories of this treaty and who at that date shall not yet have ratified

the present convention, this convention will come into force as from the date on which they deposit their respective ratifications, which deposit shall be notified to the other contracting Powers by the French Government.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done at Lausanne the 24th July, 1923, in a single copy which will remain deposited in the archives of the Government of the French Republic, and of which authenticated copies will be transmitted to each of the contracting Powers.

[L.S.] HORACE RUMBOLD.	[L.S.] D. CACLAMANOS.
[L.S.] PELLÉ.	[L.S.] CONST. DIAMANDY.
[L.S.] GARRONI.	[L.S.] CONST. CONTZESCO.
[L.S.] G. C. MONTAGNA.	[ ] .....
[L.S.] K. OTCHIAL.	[ ] ..... <sup>7</sup>
[L.S.] B. MORPHOFF.	[L.S.] M. ISMET.
[L.S.] STANCIOFF.	[L.S.] DR. RIZA NOUR.
[L.S.] E. K. VENISÉLOS.	[L.S.] HASSAN.

### III. CONVENTION RESPECTING THE THRACIAN FRONTIER

The British Empire, France, Italy, Japan, Bulgaria, Greece, Roumania, the Serb-Croat-Slovene State and Turkey, being desirous of ensuring the maintenance of peace on the frontiers of Thrace,

And considering it necessary for this purpose that certain special reciprocal measures should be taken on both sides of this frontier, as provided in Article 24 of the Treaty of Peace signed this day,

Have decided to conclude a convention for this purpose, and have appointed as their plenipotentiaries:

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

The Right Honorable Sir Horace George Montagu Rumbold, Baronet, G. C. M. G., High Commissioner at Constantinople;

THE PRESIDENT OF THE FRENCH REPUBLIC:

General Maurice Pellé, Ambassador of France, High Commissioner of the Republic in the East, Grand Officer of the National Order of the Legion of Honor;

HIS MAJESTY THE KING OF ITALY:

The Honorable Marquis Camillo Garroni, Senator of the Kingdom, Ambassador of Italy, High Commissioner at Constantinople, Grand Cross of the Orders of Saints Maurice and Lazarus, and of the Crown of Italy;

<sup>7</sup> The Russian Government have informed the Secretary-General of the Conference that the Russian Delegate will sign this convention at Constantinople on August 14.



M. Giulio Cesare Montagna, Envoy Extraordinary and Minister Plenipotentiary at Athens, Commander of the Order of Saints Maurice and Lazarus, Grand Officer of the Crown of Italy;

HIS MAJESTY THE EMPEROR OF JAPAN:

Mr. Kentaro Otchiai, Jusammi, First Class of the Order of the Rising Sun, Ambassador Extraordinary and Plenipotentiary at Rome;

HIS MAJESTY THE KING OF THE BULGARIANS:

M. Bogdan Morphoff, formerly Minister of Railways, Posts and Telegraphs;

M. Dimitri Stanciof, Doctor of Law, Envoy Extraordinary and Minister Plenipotentiary at London, Grand Cross of the Order of Saint Alexander;

HIS MAJESTY THE KING OF THE HELLENES:

M. Eleftherios K. Veniselos, formerly President of the Council of Ministers, Grand Cross of the Order of the Savior;

M. Demetrios Caclamanos, Minister Plenipotentiary at London, Commander of the Order of the Savior;

HIS MAJESTY THE KING OF ROUMANIA:

M. Constantine I. Diamandy, Minister Plenipotentiary;

M. Constantine Contzesco, Minister Plenipotentiary;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS AND THE SLOVENES:

Dr. Miloutine Yovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Berne;

THE GOVERNMENT OF THE GRAND NATIONAL ASSEMBLY OF TURKEY:

Ismet Pasha, Minister for Foreign Affairs, Deputy for Adrianople;

Dr. Riza Nour Bey, Minister for Health and for Public Assistance, Deputy for Sinope;

Hassan Bey, formerly Minister, Deputy for Trebizond;

Who, having produced their full powers, found in good and due form, have agreed as follows:—

#### ARTICLE 1

From the Ægean Sea to the Black Sea the territories extending on both sides of the frontiers separating Turkey from Bulgaria and from Greece shall be demilitarized to a depth of about 30 kilometres within the following limits (see the attached map)<sup>a</sup>:

(1) *In Turkish territory*, from the Ægean Sea to the Black Sea:

a line generally parallel to the frontier of Turkey with Greece and Bulgaria, defined in Article 2, paragraphs 1 and 2, of the Treaty of Peace signed this day. This line shall be traced at a minimum distance of 30 kilometres from that frontier, except in the neighborhood of Kirk Kilisse, where the town itself, and an area within a radius of at least 5 kilometres from the centre of the town shall be excluded from the demilitarized zone. The line will run from Ibrije-Burnu on the Ægean Sea, to Serbes-Burnu on the Black Sea;

<sup>a</sup> Omitted from this SUPPLEMENT.

(2) *In Greek territory*, from the *Ægean Sea* to the Greco-Bulgarian frontier: a line starting from Cape Makri (the village of Makri being excluded), thence northwards generally parallel to the course of the Maritza as far as Tahtali, then passing eastwards of Meherkoz to a point to be determined on the Greco-Bulgarian frontier, about 15 kilometres to the west of Kuchuk-Derbend;

(3) *In Bulgarian territory*, from the Greco-Bulgarian frontier to the Black Sea:

a line running from the point defined above, crossing the road from Adrianople to Kossukavak at a point 5 kilometres to the west of Papas-Keui, thence running at a distance of at least 30 kilometres from the Greco-Bulgarian frontier, and from the Turco-Bulgarian frontier, except in the neighborhood of Harmanli, where the town itself, and an area within a radius of at least 5 kilometres from the centre of the town, shall be excluded from the demilitarized zone; the line shall reach the Black Sea at the head of the bay situated to the north-west of Anberler.

#### ARTICLE 2

A boundary commission, which shall be set up within fifteen days from the coming into force of the present convention, shall settle and trace on the spot the boundaries defined in Article 1. This commission shall be composed of representatives appointed by France, Great Britain, Italy, Bulgaria, Greece and Turkey, each Power having one representative. The Bulgarian, Greek and Turkish representatives shall only take part in the work concerning the territory of Bulgaria, Greece and Turkey respectively; however, the combined result of these operations shall be drawn up and registered at a plenary meeting of the commission.

#### ARTICLE 3

The demilitarization of the zones defined in Article 1 shall be effected and maintained in accordance with the following provisions:

(1) All permanent fortifications and field works actually in existence shall be disarmed and dismantled by the Power on whose territory they are situated. No new fortification or work of this nature shall be constructed, and no depôt of arms or of war material or any other offensive or defensive installation of either a military, naval or aeronautical character shall be organized.

(2) No armed force, other than the special elements, such as gendarmerie, police, customs officers, frontier guards, necessary for insuring internal order and the supervision of the frontiers, shall be stationed or move in the zones.

The number of these special elements, which must not include any air force, shall not exceed:

- (a) in the demilitarized zone of Turkish territory a total of 5,000 men;
- (b) in the demilitarized zone of Greek territory a total of 2,500 men;

(c) in the demilitarized zone of Bulgarian territory a total of 2,500 men.

Their armament shall be composed only of revolvers, swords, rifles and four Lewis guns per 100 men, and will exclude any artillery.

These provisions shall not affect the obligations incurred by Bulgaria under the Treaty of Neuilly of the 27th November, 1919.

(3) Military or naval aircraft of any flag whatsoever are forbidden to fly over the demilitarized zone.

#### ARTICLE 4

In the event of one of the bordering Powers whose territory forms the subject of the present convention having any complaint to make respecting the observance of the preceding provisions, this complaint shall be brought by that Power before the Council of the League of Nations.

#### ARTICLE 5

The present convention shall be ratified.

The ratifications shall be deposited at Paris as soon as possible.

The convention shall come into force as soon as Bulgaria, Greece and Turkey shall respectively have ratified it.

These ratifications shall be recorded in a special *procès-verbal*. In so far as concerns the other Powers which have not at that date ratified the convention, it shall come into force as from the date on which they deposit their respective ratifications, which deposit shall be notified to the other contracting Powers by the Government of the French Republic.

The Japanese Government shall be entitled merely to inform the Government of the French Republic, through their diplomatic representative in Paris, that ratification has been given, and in that event the Japanese Government shall forward the instrument of ratification as soon as possible.

In faith whereof the above-mentioned plenipotentiaries have signed the present convention.

Done at Lausanne, the 24th July, 1923, in a single copy, which shall be deposited in the archives of the Government of the French Republic, which will transmit a certified copy thereof to each of the signatory Powers.

[L.S.] HORACE RUMBOLD.

[L.S.] PELLÉ.

[L.S.] GARRONI.

[L.S.] G. C. MONTAGNA.

[L.S.] K. OTCHIAL.

[L.S.] B. MORPHOFF.

[L.S.] STANCIOFF.

[L.S.] E. K. VENISÉLOS.

[L.S.] D. CACLAMANOS.

[L.S.] CONST. DIAMANDY.

[L.S.] CONST. CONTZESCO.

[ ] .....

[L.S.] M. ISMET.

[L.S.] DR. RIZA NOUR.

[L.S.] HASSAN.



## OFFICIAL DOCUMENTS

### TREATY WITH TURKEY AND OTHER INSTRUMENTS SIGNED AT LAUSANNE, JULY 24, 1923<sup>1</sup>

#### IV. CONVENTION RESPECTING CONDITIONS OF RESIDENCE AND BUSINESS AND JURISDICTION

The British Empire, France, Italy, Japan, Greece, Roumania and the Serb-Croat-Slovene State, of the one part, and Turkey, of the other part;

Being desirous of prescribing, in accordance with modern international law, the conditions under which nationals of the other contracting Powers may settle in Turkey and Turkish nationals may settle in the territory of those Powers, as well as certain questions relating to jurisdiction,

Have decided to conclude a convention to this effect, and have appointed as their plenipotentiaries:

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

The Right Honorable Sir Horace George Montagu Rumbold, Baronet, G.C.M.G., High Commissioner at Constantinople;

THE PRESIDENT OF THE FRENCH REPUBLIC:

General Maurice Pellé, Ambassador of France, High Commissioner of the Republic in the East, Grand Officer of the National Order of the Legion of Honor;

HIS MAJESTY THE KING OF ITALY:

The Honorable Marquis Camillo Garroni, Senator of the Kingdom, Ambassador of Italy, High Commissioner at Constantinople, Grand Cross of the Orders of Saints Maurice and Lazarus, and of the Crown of Italy;

M. Giulio Cesare Montagna, Envoy Extraordinary and Minister Plenipotentiary at Athens, Commander of the Order of Saints Maurice and Lazarus, Grand Officer of the Crown of Italy;

HIS MAJESTY THE EMPEROR OF JAPAN:

Mr. Kentaro Otchiai, Jusammi, First Class of the Order of the Rising Sun, Ambassador Extraordinary and Plenipotentiary at Rome;

HIS MAJESTY THE KING OF THE HELLENES:

M. Eleftherios K. Veniselos, formerly President of the Council of Ministers, Grand Cross of the Order of the Savior;

<sup>1</sup> British Treaty Series, No. 16 (1923). See SUPPLEMENT to this JOURNAL for January, 1924, p. 1, for preceding documents.



M. Demetrios Caclamanos, Minister Plenipotentiary at London, Commander of the Order of the Savior;

HIS MAJESTY THE KING OF ROUMANIA:

M. Constantine I. Diamandy, Minister Plenipotentiary;

M. Constantine Contzesco, Minister Plenipotentiary;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS AND THE SLOVENES:

Dr. Miloutine Yovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Berne;

THE GOVERNMENT OF THE GRAND NATIONAL ASSEMBLY OF TURKEY:

Ismet Pasha, Minister for Foreign Affairs, Deputy for Adrianople;

Dr. Riza Nour Bey, Minister for Health and for Public Assistance, Deputy for Sinope;

Hassan Bey, formerly Minister, Deputy for Trebizond;

Who, having produced their full powers, found in good and due form, have agreed as follows:—

#### CHAPTER I.—CONDITIONS OF RESIDENCE AND BUSINESS

##### ARTICLE 1

The application in Turkey of each of the provisions of this chapter to nationals and corporations of the other contracting Powers is expressly subject to complete reciprocity being accorded to Turkish nationals and corporations in the territories of the said Powers.

Should one of these Powers refuse, in consequence of a provision in its law or for another reason, to accord reciprocity in respect of any such provision, its nationals and corporations will not be entitled to benefit by such provision in Turkey.

For the purposes of this article each of the dominions, colonies and countries under the protection or authority of the contracting Powers will be considered as a separate contracting country.

#### SECTION I.—ENTRY AND RESIDENCE

##### ARTICLE 2

In Turkey the nationals of the other contracting Powers will be received and treated, both as regards their persons and property, in accordance with ordinary international law. They will enjoy in Turkey the complete and constant protection of the local law and authorities for their persons, their property, rights and interests. Without prejudice to the provisions respecting immigration, they will have complete freedom to enter and establish themselves in Turkey, and may accordingly come, go and reside there, subject to compliance with the laws and regulations in force.

##### ARTICLE 3

In Turkey the nationals of the other contracting Powers will have the right to acquire, to possess and to dispose of all kinds of property both

movable and immovable, subject to compliance with the local laws and regulations; they will in particular be able to dispose thereof by sale, exchange, gift, testamentary disposition, or in any other way, and to take possession by inheritance in accordance with the law, or under dispositions *inter vivos* or by will.

#### ARTICLE 4

The admission in Turkey of nationals of the other contracting Powers to the different forms of commerce, professions and industry, and reciprocally the admission, in the territories of the said Powers, of Turkish nationals to the different forms of commerce, professions and industry, will form the subject of separate conventions to be concluded between Turkey and the said Powers within twelve months from the coming into force of the present convention.

It is understood that, pending the conclusion of the said conventions, the *status quo* as on the 1st January, 1923, will be maintained, and that if any such convention has not been concluded at the end of the said period of twelve months each of the contracting Powers concerned will recover its freedom of action, subject to the rights acquired by individuals before the 1st January, 1923, being respected.

#### ARTICLE 5

In Turkey, commercial, industrial and financial corporations including transport and insurance corporations, which are regularly incorporated on the territory of any one of the other contracting Powers, shall be recognized.

In all matters relating to their constitution, their legal capacity and their right to sue and be sued, they will be treated in accordance with their national law.

They will have the right to establish themselves in Turkish territory and to engage in all forms of commerce and industry in which nationals of the country where they were incorporated may engage, and which are not forbidden in Turkey to Turkish corporations. They will have the right freely to conduct their affairs in Turkey, subject to compliance with the prescriptions relating to public order, and will enjoy in this respect the same rights as any similar Turkish corporation.

They will have the right to acquire, to possess and to dispose of all kinds of movable property, subject to compliance with the local laws and regulations. They will have a similar right as regards immovable property which is necessary for the operations of the corporation, provided, in this case, that the acquisition of such property does not constitute the object of the corporation's existence.

#### ARTICLE 6

In Turkey the nationals of the other contracting Powers will not be subject to the laws relating to military service. They will be exempt from any

such service and from any obligation or payment which replaces such service.

Their property may not be expropriated or the use of it denied to them even temporarily, except for reasons of public interest recognized by law as such, and in return for fair compensation to be paid in advance. No expropriation may take place without public notice being previously given.

#### ARTICLE 7

Turkey reserves the right to expel, in individual cases, nationals of the other contracting Powers, either under the order of a court or in accordance with the laws and regulations relating to public morality, public health or pauperism or for reasons affecting the internal or external safety of the state. The other contracting Powers agree to receive persons thus expelled, and their families, at any time.

The expulsion shall be carried out in conditions complying with the requirements of health and humanity.

#### SECTION II.—FISCAL CLAUSES

#### ARTICLE 8

Nationals of the contracting Powers, other than Turkey, shall not be subjected to any charge, tax or impost of any kind or under any description whatsoever, other or higher than those which may be imposed on Turkish nationals, in respect of their stay or residence in Turkish territory, or in respect of the exercise of any form of commerce, profession, industry, enterprise or activity of whatever kind in Turkey which is open to them in accordance with the provisions of Article 4.

The nationals of the said Powers who are established abroad and who, while passing through Turkish territory undertake any business, shall not be subjected to any charge, tax or impost of any kind or under any description whatsoever other or higher than those to which Turkish nationals or foreigners established in Turkey are subjected in respect of an activity of the same kind and importance, in accordance with the fiscal provisions in force in the country.

The property, rights and interests in Turkish territory of the nationals of the said Powers shall not be subjected to any impost, tax or charge, direct or indirect, other or higher than those which may be imposed on the property, rights and interests of Turkish nationals, whether as regards the acquisition, possession or enjoyment of the said property, or as regards its transfer by grant, exchange or succession.

#### ARTICLE 9

Commercial, industrial or financial corporations, including transport and insurance corporations which are incorporated in accordance with the law of one of the other contracting countries, and which, in accordance with

the provisions of Article 5, establish themselves in Turkey or carry on their affairs there, shall not be subjected to any impost, tax or charge, of any kind or under any description whatsoever, to which corporations of the same kind incorporated under Turkish law are not subjected.

The same provisions apply to associated companies, branches, agencies and other representatives of firms or companies of the said countries which, in accordance with the provisions of Article 5, are established or carry on their affairs in Turkey, it being understood that, when the control of these firms or companies is outside Turkey, the said associated companies, branches, agencies and representatives will only be taxed in proportion to the amount of the capital actually employed in Turkey, or in respect of the profits and revenues which they have actually earned there, these profits and revenues being used to determine the amount of capital employed if it is impossible to verify that capital.

#### ARTICLE 10

If the Turkish Government establishes any exemptions from fiscal charges, of any kind or under any description whatsoever, these exemptions will be granted to the nationals or companies established in Turkey of the other contracting countries in the same way as to Turkish nationals or to companies established under Turkish law.

This provision cannot be used to support a claim to the benefit of exemptions from charges granted to undertakings established by the state or to concessionnaires of a public utility service.

#### ARTICLE 11

In respect of all matters referred to in Articles 8 to 10, provincial or local charges, imposts or taxes, leviable in Turkey on the nationals of the other contracting countries shall not be other or higher than those levied on Turkish nationals.

#### ARTICLE 12

No forced loan or capital levy shall be imposed in Turkey, even in case of war, on nationals of other contracting countries established in Turkey or carrying on their affairs therein, or on their property, rights and interests situated in Turkish territory, or on corporations, associated companies, branches or agencies constituted under the law of one of the said countries and established in Turkey or carrying on their affairs therein.

#### ARTICLE 13

The Capitulations having been abolished, Turkey will not grant to the nationals of foreign countries any treatment more favorable than that accorded to her own nationals, and will apply to her nationals and to the nationals of the other contracting parties the principle of equality of treatment as regards the matters referred to in this section.

## CHAPTER II.—JURISDICTION

## ARTICLE 14

In Turkey the nationals of the other contracting Powers, and reciprocally Turkish nationals in the territories of the said Powers, will have free access to the courts of the country, and may sue and be sued in the same conditions in all respects as nationals of the country, subject to the provisions of Article 18.

## ARTICLE 15

Subject to the provisions of Article 16, all questions of jurisdiction shall, as between Turkey and the other contracting Powers, be decided in accordance with the principles of international law.

## ARTICLE 16

In matters of personal status, *i.e.*, all questions relating to marriage, conjugal rights, divorce, judicial separation, dower, paternity affiliation, adoption, capacity, majority, guardianship, trusteeship and interdiction; in matters relating to succession to personalty, whether by will or on intestacy, and the distribution and winding up of estates; and family law in general, it is agreed between Turkey and the other contracting Powers that, as regards non-Moslem nationals of such Powers in Turkey, the national tribunals or other competent national authorities established in the country of which the party whose personal status is in question will alone have jurisdiction.

The present stipulation does not affect the special attributions of consuls in matters of status in accordance with international law or special agreements which may be concluded, nor the right of Turkish courts to request and receive evidence respecting matters acknowledged above as being within the competence of the national tribunals or authorities of the parties concerned.

By way of exception to the first paragraph of this article, the Turkish courts will also have jurisdiction in the matters referred to therein, if all the parties to the case submit in writing to the jurisdiction of the said courts. In such case the Turkish courts will apply the national law of the parties.

## ARTICLE 17

The Turkish Government declares that the Turkish courts will ensure to foreigners in Turkey, both as regards person and property, protection in accordance with international law and the principles and methods generally adopted in other countries.

## ARTICLE 18

All questions relating to security for costs, execution of judgments, service of judicial and extra-judicial documents, commissions rogatoires, orders for the payment of costs and expenses, free judicial assistance and imprison-



ment for debt are left to be regulated between Turkey and the other contracting Powers by separate conventions between the states concerned.

### CHAPTER III.—FINAL PROVISIONS

#### ARTICLE 19

The contracting Powers reserve the right of declaring, at the time of the coming into force of the present convention, that its provisions do not apply to all or any of their dominions enjoying responsible government, or their colonies, protectorates, possessions or territories beyond the sea subject to their sovereignty or authority, and in this case Turkey will be released from her obligations under the present convention to the said Dominions, colonies, protectorates, possessions and territories.

The said Powers may, however, adhere subsequently in the name of every dominion enjoying responsible government, colony, protectorate, possession or territory in respect of which they have, in accordance with the terms of the present convention, made a declaration of exclusion.

#### ARTICLE 20

The present convention is concluded for a period of seven years from its coming into force.

If the convention is not denounced by one of the high contracting parties at least one year before the expiry of the said period, it will remain in force until denounced. Such denunciation will take effect a year after notice of it is given.

In the event of the convention being denounced by any one of the contracting Powers other than Turkey, the denunciation will only take effect as between such Power and Turkey.

Turkey will be entitled to denounce the convention either as regards all the other contracting Powers, or as regards only one of them; in the latter event, the convention will remain in force as regards the rest.

#### ARTICLE 21

The present convention shall be ratified.

The ratifications shall be deposited at Paris as soon as possible.

It shall enter into force in the same way as the treaty of peace signed this day.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done at Lausanne, the 24th July, 1923, in a single copy which will be deposited in the archives of the Government of the French Republic, who will transmit a certified copy to each of the signatory Powers.

[L.S.] HORACE RUMBOLD.

[L.S.] PELLÉ.

[L.S.] CONST. DIAMANDY.

[L.S.] CONST. CONTZESCO.

[L.S.] GARRONI.	[ ] .....
[L.S.] G. C. MONTAGNA.	[L.S.] M. ISMET.
[L.S.] K. OTCHIAI.	[L.S.] DR. RIZA NOUR.
[L.S.] E. K. VENISÉLOS.	[L.S.] HASSAN.
[L.S.] D. CACLAMANOS.	

## V. COMMERCIAL CONVENTION

The British Empire, France, Italy, Japan, Greece, Roumania and the Serb-Croat-Slovene State, of the one part, and Turkey, of the other part;

Animated with a desire to establish their economic relations on a basis of international law and under conditions most likely to encourage commerce and to facilitate trade, have resolved to conclude a convention for this purpose, and have appointed as their Plenipotentiaries:—

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

The Right Honorable Sir Horace George Montagu Rumbold, Baronet, G.C.M.G., High Commissioner at Constantinople;

THE PRESIDENT OF THE FRENCH REPUBLIC:

General Maurice Pellé, Ambassador of France, High Commissioner of the Republic in the East, Grand Officer of the National Order of the Legion of Honor;

HIS MAJESTY THE KING OF ITALY:

The Honorable Marquis Camillo Garroni, Senator of the Kingdom, Ambassador of Italy, High Commissioner at Constantinople, Grand Cross of the Orders of Saints Maurice and Lazarus, and of the Crown of Italy;

M. Giulio Cesare Montagna, Envoy Extraordinary and Minister Plenipotentiary at Athens, Commander of the Order of Saints Maurice and Lazarus, Grand Officer of the Crown of Italy;

HIS MAJESTY THE EMPEROR OF JAPAN:

Mr. Kentaro Otchiai, Jusammi, First Class of the Order of the Rising Sun, Ambassador Extraordinary and Plenipotentiary at Rome;

HIS MAJESTY THE KING OF THE HELLENES:

M. Eleftherios K. Veniselos, formerly President of the Council of Ministers, Grand Cross of the Order of the Savior;

M. Demetrios Caclamanos, Minister Plenipotentiary at London, Commander of the Order of the Savior;

HIS MAJESTY THE KING OF ROUMANIA:

M. Constantine I. Diamandy, Minister Plenipotentiary;

M. Constantine Contzesco, Minister Plenipotentiary;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS AND THE SLOVENES:

Dr. Miloutine Yovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Berne;

**THE GOVERNMENT OF THE GRAND NATIONAL ASSEMBLY OF TURKEY:**

Ismet Pasha, Minister for Foreign Affairs, Deputy for Adrianople;

Dr. Riza Nour Bey, Minister for Health and for Public Assistance,  
Deputy for Sinope;

Hassan Bey, formerly Minister, Deputy for Trebizond;

Who, having produced their full powers, found in good and due form,  
have agreed as follows:—

**SECTION I****ARTICLE 1**

From the coming into force of the present convention, the tariffs applicable on the importation into Turkey of the produce or manufactures originating and emanating from the territories of the other contracting countries shall be those of the Turkish specific tariff which came into operation on the 1st September, 1916.

**ARTICLE 2**

The duties prescribed by the Turkish tariff of the 1st September, 1916, in Turkish paper money, will be subjected to coefficients of increase periodically adjusted according to the rate of exchange under the conditions hereinafter provided.

These coefficients shall be those which were in force on the 1st March, 1923. Nevertheless, the articles set out in the annexed Schedule 1 shall be subjected to the coefficient 9.

The coefficients referred to above shall be adjusted in accordance with the rate of exchange as provided by the following rules:—

These coefficients having been determined at a time when the pound sterling represented 745 paper piastres, if the Turkish pound shows an average increase of more than thirty per cent. over this rate during the month preceding the coming into force of this convention, the coefficients twelve and nine will be reduced proportionately to the average rate of exchange for that month; the coefficient will remain in force, as thus adjusted, for the following three months; at the expiration of that period of three months, the coefficient will, should the case arise, be readjusted in accordance with the average rate of exchange of the last month of the period.

In the same way, if the Turkish pound shows an average decrease of more than thirty per cent. compared with the initial rate of 745 piastres for a pound sterling during the month preceding the coming into force of this convention, the coefficients twelve and nine may be increased proportionately to the average rate of exchange for that month; the coefficient will remain in force, as thus adjusted, for the following three months; at the expiration of that period of three months, the coefficient will, should the case arise, be readjusted in accordance with the average rate of exchange of the last month of the period.

The coefficient five may be increased, in the event of a decrease in value of the Turkish pound, in the same conditions as the coefficients twelve and nine, but, in the event of an increase in value of the Turkish pound, that coefficient need only be reduced from the time when the pound sterling is worth less than five Turkish pounds paper.

In the event of monetary reform, the various coefficients fixed above will be modified to the extent of the difference between the new and the old currency in such a way as not to alter the incidence of customs duties.

#### ARTICLE 3

Turkey undertakes to abolish from the coming into force of the present convention, and not to re-establish during its continuance, all prohibitions of import and export, except those which may be necessary:

- (1) to maintain the resources indispensable for the food of the people, and to safeguard the economic activity of the nation;
- (2) to ensure the security of the state;
- (3) to protect persons, animals and plants against contagious diseases, epizooties and epiphyties;
- (4) to prevent the use of opium and other poisons;
- (5) to prohibit the import of alcoholic products, the use of which is forbidden in Turkey;
- (6) to prevent the export of gold money or gold metal;
- (7) to establish or support state monopolies.

Subject to equitable reciprocity being accorded to her by each of the other contracting Powers in accordance with its legislation, Turkey undertakes to apply the prohibitions without discrimination of any kind, and in the event of her granting exemptions or licences in respect of prohibited produce, not to favor in any way the trade of any one contracting Power to the prejudice of the trade of any other contracting Power, or to favor in any way the trade of any non-contracting Power to the prejudice of the trade of any contracting Power.

#### ARTICLE 4

Subject to reciprocity, no consumption or excise duty shall be applicable in Turkey to goods originating or emanating from the other contracting countries except to the extent to which it is exacted in respect of identical or similar articles produced in Turkey.

Turkey may, however, continue to exact, under the same conditions of equality between her nationals and the nationals of the other contracting countries, the consumption duties set out in the schedule contained in Annex II in respect of the products specified in that schedule.

Subject to reciprocity, octroi duties and any other taxes exacted by local authorities will, if they are imposed on articles produced in Turkey, be applied without discrimination between Turkish products and products orig-

inating or emanating from the other contracting countries, and, if they are imposed on articles not produced in Turkey, will similarly be applied, without discrimination of any kind, to all identical or similar foreign products, whatever may be their origin.

#### ARTICLE 5

Subject to an equitable reciprocity being accorded to Turkey by each of the other contracting Powers in accordance with its legislation, every export duty, which Turkey may have imposed or may impose on any goods, natural or manufactured, shall be applied equally whatever the country of destination. No discrimination to the prejudice of the commerce of any one of the other contracting Powers shall be established by any means.

#### ARTICLE 6

Turkey will accord to the other contracting parties the benefit of any more favorable treatment in respect of the matters referred to in Articles 1 to 5 which she may grant to any other country, except such special advantages as regards tariffs or generally in regard to all other commercial matters which she may grant to any one of the territories detached from Turkey under the treaty of peace signed this day, or, as regards frontier trade, to a limitrophe state.

#### ARTICLE 7

In order to determine the country of origin of imported goods, Turkey and any of the other contracting Powers may respectively require the production by the importer of an official certificate stating that the article imported is the national produce or manufacture of the said country, or that it should be so considered having regard to the transformation which it has undergone in that country.

Certificates of origin in accordance with the form annexed to this section numbered III will be granted by the Ministry of Commerce or of Agriculture, or by the Chamber of Commerce to which the consignor belongs, or by any other authority or association which may be agreed upon by the country of destination. They will be authenticated by a diplomatic or consular representative of the country of destination.

Parcel post packages will be exempt from the requirement of a certificate of origin when the country of destination recognizes that no transaction of a commercial character is involved.

#### ARTICLE 8

The benefit of the provisions of this section cannot be claimed by any of the contracting Powers which does not grant to Turkey during the whole period of the convention a treatment as favorable as that which it grants to any other foreign country.



## ANNEX I

## LIST OF ARTICLES SUBJECT TO THE COEFFICIENT 9

Number in Tariff	
65.....	Potatoes.
69.....	Oranges.
121.....	Confectionery (sweetmeats).
130.....	Mineral waters.
178.....	Dressed leather.
180.....	Pigskin.
185, 187, 188.....	Footwear.
192.....	Gloves.
200, 201.....	Peltry, raw or prepared.
217, 218.....	Furniture.
273, 274, 275.....	Cotton, embroidery, lace and ribbons.
302.....	Silk waste.
305.....	Gauze, &c.
306.....	Silk tulle, &c.
308.....	Silk tissue.
311, 312.....	Silk hosiery.
314.....	Silk passementerie.
324.....	Woollen shawls and belts.
339.....	Clothing.
348.....	Sunshades, umbrellas, parasols, &c.

## ANNEX II

## CONSUMPTION TAXES

Tea.....	40	piastres per kilo.
Coffee.....	20	" "
Petroleum.....	6	" "
Rice.....	10	" "
Margarine, oleomargarine and other animal fats.....	80	" "
Candles, stearic.....	30	" "
Ordinary soap.....	5	" "
Sacks, old and new.....	5	" "
Spices.....	30	" "
Matches.....	$\frac{1}{2}$	piastre per box of 60 matches.
Wax matches.....	1	" " "
Cigarette paper.....	1	piastre per 50 sheets.
Tinder boxes.....	25	piastres per tinder box.
Sugar.....	15	" kilo.

Biscuits.....	}	Subject to a consumption tax according to percentage of sugar they contain.
Chocolate.....		
Condensed milk.....		
Sweet stuffs and glucose.....		
Non-alcoholic beverages (gaseous and lemonades).....		
Other products containing sugar..		
Tombac.....		40 piastres per kilo.

## ANNEX III

## FORM OF CERTIFICATE OF ORIGIN

We (authority which grants the certificates)<sup>1</sup> certify that—

Mr..... {  
 Producer or manufacturer,  
 Agent of Mr.....  
 Residing at.....  
 Authorized dealer,

residing at.....  
 has declared before us, on his responsibility, that the goods specified below are of (Turkish or.....) origin or manufacture in accordance with reliable documents which have been produced to us by the consignor.<sup>2</sup> These goods are sent to..... to the order of Mr..... merchant or trader at..... by (land or ship.....)

Number and Nature of Packages	Marks Number	Gross and Net Weight (in kilogrammes) or Measure of Capacity and Value	Nature of the Goods

Certified on my responsibility, the.....  
 (Signature of the declarant.)

<sup>1</sup> The certificates will be granted either by the Ministries of Commerce or Agriculture or by the Chamber of Commerce to which the consignor belongs, or by any other authority or association which may be agreed upon by the country of destination.

<sup>2</sup> Strike out the words which are inapplicable.

<sup>3</sup> When the certificate is obtained by the producer or manufacturer, or his agent, the words "in accordance with reliable documents which have been produced to us by the consignor" should be struck out.

Confirmed by us (authority which grants the certificate), who attest also that the sale of the goods specified above has been actually concluded in this country.

(Date and signature of the authority which grants the certificate.)

Seen at the Consulate of .....for verification of this signature.

(Date, signature and seal of the Consulate.)

## SECTION II

### ARTICLE 9

Turkey undertakes, on condition that reciprocity is accorded in this matter, to grant to the ships of the other contracting Powers a treatment equal to that which she grants to national ships, or any more favorable treatment that she grants or may grant to the ships of any other Power.

Turkey retains, as regards each of the other contracting Powers, and each of these Powers retains as regards Turkey the right of reserving to the national flag fishing, maritime cabotage, that is to say, transport by sea of goods and passengers embarked in one port of its territory for another port in the same territory, and port services, that is to say, towage, pilotage and all interior services of whatever nature they may be.

### ARTICLE 10

Subject to the exceptions referred to in the preceding article with respect to fishing, maritime cabotage and port services, a treatment equal to that granted to national ships will be granted reciprocally by Turkey on the one hand and by each of the other contracting parties on the other hand as regards the right to import or export goods of every description or to transport passengers going to or coming from the country and the enjoyment of all facilities with regard to stationing, loading and unloading of vessels at ports, docks, quays and roads.

There shall also be an absolute equality, subject to the same condition of reciprocity, as regards dues, charges and payments of all kinds levied on ships, such as sanitary dues, port, quay, harbor, pilotage, quarantine, lighthouse and other similar dues levied in the name of or for the profit of the government, public functionaries, private individuals, corporations or establishments of any kind.

Turkey also undertakes, on condition of reciprocity, not to subject imported or exported goods to any differential due, surtax, or increase of any nature or kind based on the flag of the ship by which the goods are imported or exported, on the ports of arrival or departure, on the voyage of the ship or the ports at which it has called, the dues and taxes leviable on goods imported or exported being determined only on their origin or their destination,

and being applied equally as regards all the other contracting Powers in accordance with the provisions of Section I.

#### ARTICLE 11

All classes of certificates or documents relating to vessels, their cargoes and passengers which were recognized as valid by Turkey before the war or which may hereafter be recognized as valid by the principal maritime states shall be recognized by Turkey, as regards the vessels belonging to the other contracting Powers, as valid and as equivalent to the corresponding certificates issued to Turkish vessels.

These provisions will only have effect if the certificates and documents delivered by Turkey to Turkish vessels, in conditions equivalent to those adopted in the principal maritime countries, are regarded by the other contracting Powers as equivalent to the certificates and documents delivered by them.

#### SECTION III

#### ARTICLE 12

Turkey undertakes, on condition of reciprocity, to adopt all the necessary legislative and administrative measures, and to allow access to the courts in order to protect goods the produce or manufacture of any one of the other contracting Powers from all forms of unfair competition in commercial transactions.

Turkey undertakes, also on condition of reciprocity, to prohibit and repress by appropriate remedies the importation, exportation, manufacture, distribution, sale or offering for sale in her territory of all goods bearing upon themselves or their get-up or wrappings any marks, names, devices or descriptions whatsoever which are calculated to convey, directly or indirectly, false indications of the origin, type, nature or special characteristics of such goods.

#### ARTICLE 13

Turkey undertakes, on condition that reciprocity is accorded in these matters, to respect any law or any administrative or judicial decision given in conformity with such law in force in any other contracting state and duly communicated to her by the proper authorities, defining or regulating the right to any regional appellation in respect of products which derive their special qualities from the soil or the climate, or the conditions under which the use of any such appellation may be permitted; and the importation, exportation, manufacture, distribution, sale or offering for sale of products or articles bearing regional appellations inconsistent with such laws or orders shall be prohibited by Turkey and repressed by the measures prescribed by Article 12.

## ARTICLE 14

Turkey undertakes, within a period of twelve months from the coming into force of the present convention:

- (1) To accede in the prescribed form to the International Convention of Paris of the 20th March, 1883, for the protection of industrial property, revised at Washington on the 2nd of June, 1911;
- (2) To accede also to the International Convention of Berne of the 9th September, 1886, for the protection of literary and artistic works, revised at Berlin on the 13th November, 1908, and the additional protocol of Berne of the 20th March, 1914, relating to the protection of literary and artistic works.

The other Powers signatory to the present convention will raise no objection, while it remains in force, to the reserve which Turkey proposes to make with regard to the provisions of the aforesaid conventions and protocol respecting the right of translation into the Turkish language, if the other Powers, co-signatories of those conventions and protocol, have not themselves raised any objection to the said reserve during the year following the coming into force of the present convention.

In the event of the Powers signatory to the present convention not maintaining their adhesion to the Turkish reserve respecting the rights of translation, Turkey will not be bound to maintain her adhesion to the conventions and protocol mentioned above;

- (3) Within the same period to recognize and protect by effective legislation, in accordance with the principles of the said conventions, the industrial, literary and artistic property of the nationals of the other contracting Powers.

## ARTICLE 15

Special conventions between the countries interested shall determine all questions relative to the records, registers and designs in connection with the services relating to industrial, literary and artistic property, and their eventual transmission or communication by the Turkish offices to the offices of the states in favor of which territory is detached from Turkey.

## GENERAL PROVISIONS

## ARTICLE 16

The contracting Powers reserve the right of declaring at the time of the coming into force of the present convention, that its provisions do not apply to all or any of their dominions enjoying responsible government, of their colonies, protectorates, possessions or territories beyond the sea subject to their sovereignty or authority, and in this case Turkey will be released from



her obligations under the present convention to the said dominions, colonies, protectorates, possessions and territories.

The said Powers may, however, accede subsequently in the name of every dominion enjoying responsible government, colony, protectorate, possession or territory for which they have, in accordance with the terms of the present convention, made a declaration of exclusion.

#### ARTICLE 17

Natural and manufactured products coming from or going to Libya will receive in Turkey the same treatment as Italian natural or manufactured products. Natural and manufactured products coming from or going to Turkey will receive in Libya most-favored-nation treatment.

#### ARTICLE 18

The present convention will remain in force for a period of five years.

As regards Section I, Turkey on the one hand, and Greece, Roumania and the Serb-Croat-Slovene State on the other hand, recognizing the necessity of settling a new basis for their commercial exchanges within a shorter period, agree to recognize in each other's favor the right to denounce this convention at any time after the termination of the first period of thirty months; the convention will cease to have effect six months after the denunciation.

Turkey on the one hand and each of the other contracting Powers on the other hand undertake at any time during the periods hereinbefore fixed for the duration of the convention, on request being made, to begin negotiations for new commercial treaties, and to proceed actively with those negotiations so that they may be concluded before the expiration of the said periods.

If the said negotiations have not been concluded before the expiration of the aforesaid periods, each of the high contracting parties will resume its freedom of action.

#### ARTICLE 19

The present convention shall be ratified.

The ratifications shall be deposited at Paris as soon as possible.

It shall enter into force in the same way as the treaty of peace signed this day.

In faith whereof, the above-mentioned plenipotentiaries have signed the present convention.

Done at Lausanne, the 24th July, 1923, in a single copy, which will be deposited in the archives of the Government of the French Republic, which will transmit a certified copy thereof to each of the signatory powers.

[L.S.] HORACE RUMBOLD.  
[L.S.] PELLÉ.

[L.S.] CONST. DIAMANDY.  
[L.S.] CONST. CONTZESCO.

[L.S.] GARRONI.	[ ] .....
[L.S.] G. C. MONTAGNA.	[L.S.] M. ISMET.
[L.S.] K. OTCHIAI.	[L.S.] DR. RIZA NOUR.
[L.S.] E. K. VENISÉLOS.	[L.S.] HASSAN.
[L.S.] D. CACLAMANOS.	

## VI. CONVENTION CONCERNING THE EXCHANGE OF GREEK AND TURKISH POPULATIONS

*Signed at Lausanne, January 30, 1923*

The Government of the Grand National Assembly of Turkey and the Greek Government have agreed upon the following provisions:

### ARTICLE 1

As from the 1st May, 1923, there shall take place a compulsory exchange of Turkish nationals of the Greek Orthodox religion established in Turkish territory, and of Greek nationals of the Moslem religion established in Greek territory.

These persons shall not return to live in Turkey or Greece respectively without the authorization of the Turkish Government or of the Greek Government respectively.

### ARTICLE 2

The following persons shall not be included in the exchange provided for in Article 1:—

- (a) The Greek inhabitants of Constantinople.
- (b) The Moslem inhabitants of Western Thrace.

All Greeks who were already established before the 30th October, 1918, within the areas under the Prefecture of the City of Constantinople, as defined by the law of 1912, shall be considered as Greek inhabitants of Constantinople.

All Moslems established in the region to the east of the frontier line laid down in 1913 by the Treaty of Bucharest shall be considered as Moslem inhabitants of Western Thrace.

### ARTICLE 3

Those Greeks and Moslems who have already, and since the 18th October, 1912, left the territories the Greek and Turkish inhabitants of which are to be respectively exchanged, shall be considered as included in the exchange provided for in Article 1.

The expression "emigrant" in the present convention includes all physical and juridical persons who have been obliged to emigrate or have emigrated since the 18th October, 1912.

## ARTICLE 4

All able-bodied men belonging to the Greek population, whose families have already left Turkish territory, and who are now detained in Turkey, shall constitute the first instalment of Greeks sent to Greece in accordance with the present convention.

## ARTICLE 5

Subject to the provisions of Articles 9 and 10 of the present convention, the rights of property and monetary assets of Greeks in Turkey or Moslems in Greece shall not be prejudiced in consequence of the exchange to be carried out under the present convention.

## ARTICLE 6

No obstacle may be placed for any reason whatever in the way of the departure of a person belonging to the populations which are to be exchanged. In the event of an emigrant having received a definite sentence of imprisonment, or a sentence which is not yet definitive, or of his being the object of criminal proceedings, he shall be handed over by the authorities of the prosecuting country to the authorities of the country whither he is going, in order that he may serve his sentence or be brought to trial.

## ARTICLE 7

The emigrants will lose the nationality of the country which they are leaving, and will acquire the nationality of the country of their destination, upon their arrival in the territory of the latter country.

Such emigrants as have already left one or other of the two countries and have not yet acquired their new nationality, shall acquire that nationality on the date of the signature of the present convention.

## ARTICLE 8

Emigrants shall be free to take away with them or to arrange for the transport of their movable property of every kind, without being liable on this account to the payment of any export or import duty or any other tax.

Similarly, the members of each community (including the personnel of mosques, tekkes, meddresses, churches, convents, schools, hospitals, societies, associations and juridical persons, or other foundations of any nature whatever) which is to leave the territory of one of the contracting states under the present convention, shall have the right to take away freely or to arrange for the transport of the movable property belonging to their communities.

The fullest facilities for transport shall be provided by the authorities of the two countries, upon the recommendation of the Mixed Commission provided for in Article 11.

Emigrants who may not be able to take away all or part of their movable

property can leave it behind. In that event, the local authorities shall be required to draw up, the emigrant in question being given an opportunity to be heard, an inventory and valuation of the property left by him. *Procès-verbaux* containing the inventory and the valuation of the movable property left by the emigrant shall be drawn up in four copies, one of which shall be kept by the local authorities, the second transmitted to the Mixed Commission provided for in Article 11 to serve as the basis for the liquidation provided for by Article 9, the third shall be handed to the government of the country to which the emigrant is going, and the fourth to the emigrant himself.

#### ARTICLE 9

Immovable property, whether rural or urban, belonging to emigrants, or to the communities mentioned in Article 8, and the movable property left by these emigrants or communities, shall be liquidated in accordance with the following provisions by the Mixed Commission provided for in Article 11.

Property situated in the districts to which the compulsory exchange applies and belonging to religious or benevolent institutions of the communities established in a district to which the exchange does not apply, shall likewise be liquidated under the same conditions.

#### ARTICLE 10

The movable and immovable property belonging to persons who have already left the territory of the high contracting parties and are considered, in accordance with Article 3 of the present convention, as being included in the exchange of populations, shall be liquidated in accordance with Article 9. This liquidation shall take place independently of all measures of any kind whatever, which, under the laws passed and the regulations of any kind made in Greece and in Turkey since the 18th October, 1912, or in any other way, have resulted in any restriction on rights of ownership over the property in question, such as confiscation, forced sale, &c. In the event of the property mentioned in this article or in Article 9 having been submitted to a measure of this kind, its value shall be fixed by the Commission provided for in Article 11, as if the measures in question had not been applied.

As regards expropriated property, the Mixed Commission shall undertake a fresh valuation of such property, if it has been expropriated since the 18th October, 1912, having previously belonged to persons liable to the exchange of populations in the two countries, and is situated in territories to which the exchange applies. The Commission shall fix for the benefit of the owners such compensation as will repair the injury which the Commission has ascertained. The total amount of this compensation shall be carried to the credit of these owners and to the debit of the government on whose territory the expropriated property is situated.

In the event of any persons mentioned in Articles 8 and 9 not having received the income from property, the enjoyment of which they have lost in one way or another, the restoration of the amount of this income shall be guaranteed to them on the basis of the average yield of the property before the war, and in accordance with the methods to be laid down by the Mixed Commission.

The Mixed Commission provided for in Article 11, when proceeding to the liquidation of Wakf property in Greece and of the rights and interests connected therewith, and to the liquidation of similar foundations belonging to Greeks in Turkey, shall follow the principles laid down in previous treaties with a view to fully safeguarding the rights and interests of these foundations and of the individuals interested in them.

The Mixed Commission provided for in Article 11 shall be entrusted with the duty of executing these provisions.

#### ARTICLE 11

Within one month from the coming into force of the present convention a Mixed Commission shall be set up in Turkey or in Greece consisting of four members representing each of the high contracting parties, and of three members chosen by the Council of the League of Nations from among nationals of Powers which did not take part in the war of 1914-1918. The presidency of the Commission shall be exercised in turn by each of these three neutral members.

The Mixed Commission shall have the right to set up, in such places as it may appear to them necessary, sub-commissions working under its order. Each such sub-commission shall consist of a Turkish member, a Greek member and a neutral president to be designated by the Mixed Commission. The Mixed Commission shall decide the powers to be delegated to the sub-commission.

#### ARTICLE 12

The duties of the Mixed Commission shall be to supervise and facilitate the emigration provided for in the present convention, and to carry out the liquidation of the movable and immovable property for which provision is made in Articles 9 and 10.

The Commission shall settle the methods to be followed as regards the emigration and liquidation mentioned above.

In a general way the Mixed Commission shall have full power to take the measures necessitated by the execution of the present convention and to decide all questions to which this convention may give rise.

The decisions of the Mixed Commission shall be taken by a majority.

All disputes relating to property, rights and interests which are to be liquidated shall be settled definitely by the Commission.



## ARTICLE 13

The Mixed Commission shall have full power to cause the valuation to be made of the movable and immovable property which is to be liquidated under the present convention, the interested parties being given a hearing or being duly summoned so that they may be heard.

The basis for the valuation of the property to be liquidated shall be the value of the property in gold currency.

## ARTICLE 14

The Commission shall transmit to the owner concerned a declaration stating the sum due to him in respect of the property of which he has been dispossessed, and such property shall remain at the disposal of the government on whose territory it is situated.

The total sums due on the basis of these declarations shall constitute a government debt from the country where the liquidation takes place to the government of the country to which the emigrant belongs. The emigrant shall in principle be entitled to receive in the country to which he emigrates, as representing the sums due to him, property of a value equal to and of the same nature as that which he has left behind.

Once every six months an account shall be drawn up of the sums due by the respective governments on the basis of the declarations as above.

When the liquidation is completed, if the sums of money due to both sides correspond, the accounts relating thereto shall be balanced. If a sum remains due from one of the governments to the other government after a balance has been struck, the debit balance shall be paid in cash. If the debtor government requests a postponement in making this payment, the Commission may grant such postponement, provided that the sum due be paid in three annuities at most. The Commission shall fix the interest to be paid during the period of postponement.

If the sum to be paid is fairly large and requires longer postponement, the debtor government shall pay in cash a sum to be fixed by the Mixed Commission, up to a maximum of twenty per cent. of the total due, and shall issue in respect of the balance loan certificates bearing such interest as the Mixed Commission may fix, to be paid off within twenty years at most. The debtor government shall assign to the service of these loans pledges approved by the Commission, which shall be administered and of which the revenues shall be encashed by the International Commission in Greece and by the Council of the Public Debt at Constantinople. In the absence of agreement in regard to these pledges, they shall be selected by the Council of the League of Nations.

## ARTICLE 15

With a view to facilitating emigration, funds shall be advanced to the Mixed Commission by the states concerned, under conditions laid down by the said Commission.

## ARTICLE 16

The Turkish and Greek Governments shall come to an agreement with the Mixed Commission provided for in Article 11 in regard to all questions concerning the notification to be made to persons who are to leave the territory of Turkey and Greece under the present convention, and concerning the ports to which these persons are to go for the purpose of being transported to the country of their destination.

The high contracting parties undertake mutually that no pressure direct or indirect shall be exercised on the populations which are to be exchanged with a view to making them leave their homes or abandon their property before the date fixed for their departure. They likewise undertake to impose on the emigrants who have left or who are to leave the country no special taxes or dues. No obstacle shall be placed in the way of the inhabitants of the districts excepted from the exchange under Article 2 exercising freely their right to remain in or return to those districts and to enjoy to the full their liberties and rights of property in Turkey and in Greece. This provision shall not be invoked as a motive for preventing the free alienation of property belonging to inhabitants of the said regions which are excepted from the exchange, or the voluntary departure of those among these inhabitants who wish to leave Turkey or Greece.

## ARTICLE 17

The expenses entailed by the maintenance and working of the Mixed Commission and of the organizations dependent on it shall be borne by the governments concerned in proportions to be fixed by the Commission.

## ARTICLE 18

The high contracting parties undertake to introduce in their respective laws such modifications as may be necessary with a view to ensuring the execution of the present convention.

## ARTICLE 19

The present convention shall have the same force and effect as between the high contracting parties as if it formed part of the treaty of peace to be concluded with Turkey. It shall come into force immediately after the ratification of the said treaty by the two high contracting parties.

In faith whereof, the undersigned plenipotentiaries, whose respective full Powers have been found in good and due form, have signed the present convention.

Done at Lausanne, the 30th January, 1923, in three copies, one of which shall be transmitted to the Greek Government, one to the Government of the Grand National Assembly of Turkey, and the third shall be deposited in the archives of the Government of the French Republic, which shall de-

liver certified copies to the other Powers signatory of the treaty of peace with Turkey.

[L.S.] E. K. VENISELOS.

[L.S.] DR. RIZA NOUR.

[L.S.] D. CACLAMANOS.

[L.S.] HASSAN.

[L.S.] ISMET.

#### PROTOCOL

The undersigned Turkish plenipotentiaries, duly authorized to that effect, declare that, without waiting for the coming into force of the convention with Greece of even date, relating to the exchange of the Greek and Turkish populations, and by way to exception to Article 1 of that convention, the Turkish Government, on the signature of the treaty of peace, will release the able-bodied men referred to in Article 4 of the said convention, and will provide for their departure.

Done at Lausanne, the 30th January, 1923.

ISMET.

DR. RIZA NOUR.

HASSAN.

#### VII. AGREEMENT BETWEEN GREECE AND TURKEY RESPECTING THE RECIPROCAL RESTITUTION OF INTERNED CIVILIANS AND THE EXCHANGE OF PRISONERS OF WAR

*Signed at Lausanne, January 30, 1923*

The undersigned Turkish and Greek Plenipotentiaries, acting in accordance with their respective full powers, found in good and due form, have agreed as follows, with a view to ensuring the reciprocal restitution of interned civilians at present detained in Greece and in Turkey, and for the exchange of prisoners of war.

#### CHAPTER I.—INTERNED CIVILIANS

##### ARTICLE 1

Turkish hostages and civilian prisoners at present detained in Greece will be repatriated by the Greek Government. The latter will in principle cause persons emanating from Anatolia to be transported to Smyrna and those emanating from Thrace to Constantinople.

The restitution of these persons, who shall be checked on their embarkation in Greece, shall in principle begin seven days after the signature of the present agreement. The restitution will be completed as follows:

- (a.) Within not more than two weeks, in so far as persons figuring on lists furnished by the Greek Government are concerned.
- (b.) With the least possible delay, in so far as persons who have to be sought and who figure on lists furnished by the Turkish Government are concerned.

## ARTICLE 2

Greek hostages and civilian prisoners, who may be detained by the Turks, shall be collected at Smyrna or Constantinople by the Turkish Government, in such a manner that their repatriation may take place immediately after that of the Turkish civilian hostages mentioned in paragraph (a) of Article 1, and in such a manner that the repatriation of persons who have to be sought may take place with the least possible delay.

## ARTICLE 3

The lists of persons to be repatriated, which have been furnished by the Turkish and Greek Governments respectively, shall be completed later.

## CHAPTER II.—PRISONERS OF WAR

## ARTICLE 4

As soon as possible after the date on which the Greek Government shall have restored to the Turkish Government the Turkish civilian hostages mentioned in paragraph (a) of Article 1, and within a period not exceeding fifteen days from that date, Greece shall restore to Turkey and shall transport to Smyrna simultaneously all the Turkish prisoners of war detained by her.

Turkey shall thereupon restore to Greece an equivalent number of Greek prisoners of war, officer for officer, soldier for soldier. These prisoners of war will be collected by the Turkish Government at such time and in such places, that they may be repatriated on the return voyage of the Greek vessels which brought the Turkish prisoners of war.

The remainder of the Greek prisoners of war shall be repatriated by the Turkish Government immediately after the signature of peace and within three weeks from the date of that signature.

## ARTICLE 5

With the object of allaying animosity, the Greek and Turkish Governments undertake respectively to extend the benefit of the amnesty to all prisoners of war and interned civilians detained by them, both those who are awaiting trial or undergoing sentence for crimes or offences against the ordinary law, and those who are awaiting trial or undergoing sentence for offences against discipline; the two governments agree to repatriate such persons without distinction and irrespective of the completion of their sentence, or of the proceedings pending against them.

## CHAPTER III.—COMMISSION FOR THE EXECUTION OF THIS AGREEMENT

## ARTICLE 6

An International Commission comprising three representatives of the Red Cross societies, nationals of states not having taken part in the war of

1914-18, and a representative of the Greek and Turkish Governments respectively, shall be entrusted with the task of directing the operations connected with the restitution of the hostages and civilian prisoners and the exchange of prisoners of war, under the conditions prescribed in Chapters I and II above. This Commission shall settle the methods by which these operations shall be effected, and shall supervise the execution thereof. The Commission shall be in particular entrusted with the duty of—

- (a.) Receiving from the Greek and Turkish authorities at the ports of embarkation the hostages and prisoners to be repatriated, verifying their number and identity, effecting the surrender of those hostages and prisoners to the Turkish and Greek authorities at the points of disembarkment.
- (b.) Settling in accordance with the Greek and Turkish Governments the transport from the points of embarkation of the Turkish and Greek hostages and prisoners to be repatriated. The Greek Government shall furnish with this object the necessary means of maritime transport.
- (c.) Proceeding with the collaboration of the Greek and Turkish Governments and authorities with all researches and enquiries necessary to establish the fate of civilian hostages and of prisoners of war claimed by one or other government and not handed over.

The governments concerned undertake to furnish with this object all assistance to the Commission and to grant it all facilities.

#### ARTICLE 7

The expenses of the maintenance and of the work of the Commission shall be borne in equal parts by the Greek and Turkish governments.

The present agreement will enter into force at once.

Done in triplicate at Lausanne, the 30th day of January, 1923.

[L.S.] E. K. VENISELOS.

[L.S.] DR. RIZA NOUR.

[L.S.] D. CACLAMANOS.

[L.S.] HASSAN.

[L.S.] ISMET.

#### VIII. DECLARATION OF AMNESTY

The Powers signatory of the treaty of peace signed this day being equally desirous to cause the events which have troubled the peace in the East to be forgotten,

The undersigned, acting in virtue of their full powers, have agreed to make the following declaration:

##### I

No person who inhabits or who has inhabited Turkey, and reciprocally no person who inhabits or who has inhabited Greece, shall be disturbed or



molested in Turkey and reciprocally in Greece, under any pretext whatsoever, on account of any military or political action taken by him, or any assistance of any kind given by him to a foreign Power signatory of the treaty of peace signed this day, or to the nationals of such Power, between the 1st August, 1914, and the 20th November, 1922.

## II

Similarly no inhabitant of the territories detached from Turkey under the said treaty of peace shall be disturbed or molested either on account of his political or military attitude against or in favor of Turkey during the period from the 1st August, 1914, to the 20th November, 1922, or of the determination of his nationality under the said treaty.

## III

Full and complete amnesty shall be respectively granted by the Turkish Government and by the Greek Government for all crimes or offences committed during the same period which were evidently connected with the political events which have taken place during that period.

## IV

Turkish nationals, and reciprocally nationals of the other Powers signatory of the treaty of peace signed this day who may have been arrested, prosecuted or sentenced by the authorities of the said Powers or by the Turkish authorities respectively, for reasons of a political or military nature previous to the 20th November, 1922, on territory which remains Turkish in accordance with the said treaty of peace, shall benefit from the amnesty, and, if they are detained, shall be handed over to the authorities of the states of which they are the nationals. This stipulation is similarly applicable to Turkish nationals arrested, prosecuted or sentenced by the authorities of the Powers who have occupied a portion of the above-mentioned territory even for a transgression of the ordinary law committed before that date, and even if they have been removed from Turkey, excepting those who have committed, against a person belonging to the armies of occupation, an assault which has entailed death or a grievous wound.

## V

All sentences pronounced for the above reasons shall be annulled, and any proceedings already instituted shall be stayed.

## VI

The Turkish Government, sharing the desire for general pacification with which all the Powers are animated, declare their intention not to contest the measures carried out under the auspices of the Allied Powers during the period between the 20th October, 1918, and the 20th November, 1922.

with the object of re-establishing families scattered owing to the war and of replacing legitimate proprietors in possession of their goods.

However, this intention does not exclude the possibility of any revision of the above-mentioned measures in the event of a request to that effect being made by the interested parties. Claims respecting persons and goods shall be examined by a commission composed of a delegate of the Red Crescent and a delegate of the Red Cross. In the event of a dispute, these delegates will choose an umpire; if they are unable to agree as to such choice the umpire will be appointed by the Council of the League of Nations.

## VII

The British, French, and Italian Governments, acknowledging the importance of the measure of pacification which forms the subject of Article 5 of the agreement concluded on the 30th January, 1923, between the Greek Government and the Turkish Government relating to the return of interned civilians and to the exchange of prisoners of war, declare that they are prepared to adopt, subject to reciprocity on the part of the Turkish Government, the same measures for the benefit of such Turkish prisoners of war and interned civilians as may still be in their hands, with the exception of those who may have committed crimes and offences against the ordinary law since the 20th November, 1922.

Done at Lausanne, the 24th July, 1923.

HORACE RUMBOLD.	CONST. DIAMANDY.
PELLÉ.	CONST. CONTZESCO.
GARRONI.	.....
G. C. MONTAGNA.	M. ISMET.
K. OTCHIAI.	DR. RIZA NOUR.
E. K. VENISELOS.	HASSAN.
D. CACLAMANOS.	

## PROTOCOL

It is understood that, in spite of the terms of paragraph 1 of the amnesty declaration, the Turkish Government reserves to itself the right to prohibit sojourn in and access to Turkey to 150 persons included in the category of persons referred to in the said paragraph. Consequently, the Turkish Government will be entitled to expel from its territory such of the persons in question as may be there at the present time and to prohibit such as are abroad from returning. The names of these persons shall be annexed to the amnesty proclamation which, on the coming into force of the treaty of peace signed this day, shall be promulgated by the said government in order to give effect, in so far as that government is concerned, to the above-mentioned declaration. It is further understood that, in the event of the Turkish Government deciding, as it has expressed the intention, that the said

persons must liquidate their property and other goods in Turkey, they shall be granted a period of nine months as from the date of the above-mentioned proclamation to effect this liquidation of their own accord, and in the event of liquidation by the Turkish Government after the expiry of this period the whole of the proceeds shall be paid to the said persons.

It is similarly understood that paragraph 1 of the amnesty declaration in no way affects the right of the Greek Government to prosecute non-Moslem Greek subjects belonging or having belonged to its army for acts which constituted failure in respect of their military duties during the hostilities between Greece and Turkey.

Done at Lausanne, the 24th July, 1923.

HORACE RUMBOLD.	CONST. DIAMANDY.
PELLÉ.	CONST. CONTZESCO.
GARRONI.	.....
.....	M. ISMET.
K. OTCHIAI.	DR. RIZA NOUR.
E. K. VENISELOS.	HASSAN.
D. CACLAMANOS.	

#### IX. DECLARATION RELATING TO MOSLEM PROPERTIES IN GREECE

The undersigned, acting in virtue of their full powers, declare, in the name of the Greek Government, that there shall be no infringement of rights to property held by Moslem persons, who are not subject to the terms of the convention respecting the exchange of populations, signed at Lausanne on the 30th January, 1923, and who have left Greece, including the Island of Crete, before the 18th October, 1912, or who have always resided outside Greece. Such persons will preserve their right to complete freedom as regards the disposal of their property.

Such arrangements and measures as may have been exceptionally taken or applied in regard to the property of the said Moslems shall be annulled. In the event of the revenues derived from such properties having been collected by the Greek Government or authorities without having been hitherto restored, or without having been the subject of special agreements between the Government and the interested parties, such revenues shall be paid to the owners. All claims respecting the revenues in question, and all claims based on an allegation by such persons that their rights had been infringed by an unfair application of measures of a general nature, shall be settled by the commission, for which provision is made in the above-mentioned convention, subject, nevertheless, to the condition that such claims shall be made within a period of six months from the entry into force of the treaty of peace signed this day. The said claims shall be examined at once by the

commission, in order that they may be settled within a year's time at the most from the coming into force of the said treaty.

In view of the difficulties of a practical nature with which the above-mentioned persons might be confronted, by reason of their absence, as regards their right to dispose freely of their goods, the Greek Government agrees that they shall be able to take advantage, if they so desire, of the services of the above-mentioned Mixed Commission to dispose of their property. It is understood that in this event intervention on the part of the Mixed Commission will entail no obligation for the Greek Government to purchase the properties in question, and that the task of the commission will be limited to facilitating the disposal thereof.

It is understood that the present declaration is made on the condition that reciprocity shall be granted to Greek owners of property who have left Turkey before the 18th October, 1912, or who have always resided outside Turkey.

Done at Lausanne, the 24th July, 1923.

E. K. VENISELOS.

D. CACLAMANOS.

#### X. DECLARATION RELATING TO SANITARY MATTERS

The undersigned, acting in virtue of their full powers, declare that the Turkish Government will appoint for a period of five years three European medical specialists as counsellors for the sanitary administration of the frontiers. These medical specialists shall be Turkish officials and shall be attached to the Ministry of Health. They shall be chosen by the said government from a list of six names, prepared in agreement by the Health Committee of the League of Nations and by the International Bureau of Public Health. Their salary, as well as the other terms of their appointment, shall be settled by agreement between the said government and the two above-mentioned international organizations.

The Turkish Sanitary Administration shall establish, with the help of the three above-mentioned European counsellors, regulations for the organization of the sanitary administration of the coasts and frontiers of Turkey. These regulations shall be in accordance with the terms of the International Sanitary Conventions, and, in so far as the Straits are concerned, with the terms of the Straits Convention signed this day.

The yield of the sanitary taxes exacted by the Turkish administration shall be exclusively applied to the needs of the sanitary administration of Turkey, and shall appear in a special budget, which shall be prepared for this purpose by the Ministry of Health.

Done at Lausanne, the 24th July, 1923.

ISMET.

DR. RIZA NOUR.

HASSAN.

## XI. DECLARATION RELATING TO THE ADMINISTRATION OF JUSTICE

The Turkish delegation has already had occasion to state that the Government of the Grand National Assembly of Turkey is in a position to ensure to foreigners before the Turkish courts all the safeguards of a good judicial system and to provide therefor in the exercise of its full sovereignty and without any kind of foreign interference. It is nevertheless prepared to have an investigation made and to cause the situation to be studied with a view to the institution of such reforms as may be rendered advisable by the development of manners and civilization.

Animated by this spirit, the undersigned, acting in virtue of their full powers, desire to make the following declaration:—

### 1

The Turkish Government proposes to take immediately into its service, for such period as it may consider necessary, not being less than five years, a number of European legal counsellors whom it will select from a list prepared by the Permanent Court of International Justice of The Hague from among jurists nationals of countries which did not take part in the war of 1914–1918, and who will be engaged as Turkish officials.

### 2

These legal counsellors will serve under the Minister of Justice; some will be posted in the city of Constantinople and others in the city of Smyrna. They will take part in the work of the legislative commissions. It will be their duty to observe, without interfering in the performance by the magistrates of their duties, the working of the Turkish civil, commercial and criminal courts, and to forward to the Minister of Justice such reports as they may consider necessary; they will be authorized to receive all complaints to which the administration of justice in civil, commercial or criminal matters, the execution of sentences, or the manner of application of the law may give rise, with a view to bringing such complaints to the notice of the Minister of Justice in order to ensure the strict observance of the provisions of Turkish law.

Similarly, they will be authorized to receive such complaints as may be caused by domiciliary visits, perquisitions or arrests; moreover, these measures shall, in the judicial districts of Constantinople and of Smyrna, be brought, immediately after their execution, to the notice of the legal counsellor by the local representative of the Minister of Justice; this official shall in such cases be authorized to correspond direct with the legal counsellor.

### 3

In cases of minor offences release on bail shall always be ordered, unless this entails danger to public safety or unless such provisional release is calculated to impede the investigation of the case.



## 4

In civil or commercial matters all references to arbitration and clauses in agreements providing therefor are allowed, and the arbitral decisions rendered in pursuance thereof shall be executed on being signed by the President of the Court of First Instance, who shall not refuse his signature unless the decision should be contrary to public order.

## 5

The present declaration shall remain in force for a period of five years.  
Done at Lausanne, the 24th July, 1923.

ISMET.  
DR. RIZA NOUR.  
HASSAN.

## XII. PROTOCOL RELATING TO CERTAIN CONCESSIONS GRANTED IN THE OTTOMAN EMPIRE

The British Empire, France, Italy, Greece, Roumania, the Serb-Croat-Slovene State and Turkey, being desirous of settling by agreement questions relating to certain concessions granted in the Ottoman Empire,

The undersigned, duly authorized, agree as follows:—

### SECTION I

#### ARTICLE 1

Concessionary contracts and subsequent agreements relating thereto, duly entered into before the 29th October, 1914, between the Ottoman Government or any local authority, on the one hand, and nationals (including companies) of the contracting Powers, other than Turkey, on the other hand, are maintained.

#### ARTICLE 2

(i.) On the request of the Turkish Government, the operations contemplated in the agreements entered into between the Ottoman Government and Sir W. G. Armstrong, Whitworth and Company, Limited, and Vickers, Limited, during the years 1913 and 1914, relating to the constitution and the concession of the Société Impériale Ottomane Coïntéressée des Docks, Arsenaux et Constructions Navales will be suspended.

Negotiations shall be entered into between the two parties with a view to the modification of the provisions of these agreements or the grant of a new concession for an undertaking of equal importance.

If, within six months from the coming into force of the treaty of peace signed this day, an agreement shall not have been come to between the Turkish Government and the said companies, either for the modification of the provisions of the said agreements or for the grant of a new concession,

the companies mentioned above shall have the right to submit to experts, appointed in accordance with the provisions of Article 5, the settlement of the conditions of the new concession to be granted as compensation for the cancellation of the old agreements.

It is nevertheless understood that, if the conditions settled by the experts for the new concession are not acceptable to one or other of the parties, the Turkish Government undertakes to pay to the said companies such indemnity for the loss actually suffered for the cancellation of their old concession as the experts determine to be equitable.

(ii.) If, within six months from the coming into force of the treaty of peace signed this day, the Régie Générale des Chemins de fer shall not, for any reason, have been restored to the possession of the concession which was given to it in 1914 for the construction and exploitation of the Samsun-Sivas Railway, the Turkish Government undertakes to grant to this company, at its request, a new concession by way of compensation. In default of agreement as to the equivalence of this compensation, the extent and conditions of exploitation of this new concession necessary to give compensation will be determined by experts appointed in accordance with Article 5.

It is understood that, if the Régie Générale is restored to the possession of the Samsun-Sivas Concession, it will be re-adapted in accordance with the procedure for settlement by experts provided for by Article 5. In case of compensation by a new concession due regard will also be had to the power of re-adaptation.

If the conditions of the new concession, as determined by the experts, are not acceptable to one or other of the parties, the Turkish Government undertakes to pay to the company such indemnity as the experts determine to be equitable for the loss actually suffered from the cancellation of the concession for the Samsun-Sivas Railway and for the expenses to which the company has been put for the survey and investigation work on the spot in respect of the other sections of the Black Sea Railway system.

Turkey will be entirely freed from all liability to the company, either by the restoration of the company to possession of the Samsun-Sivas Concession, or by the grant of the new concession, or, lastly, by the payment of an indemnity in accordance with the provisions set out above.

### ARTICLE 3

The amount due, after settlement of accounts, to the state or to beneficiaries under contracts and agreements referred to in Articles 1 and 2, in respect of the use by the state, on the territory which it now possesses, of the property or the services of the said beneficiaries shall be paid in accordance with existing contracts or agreements or, in default of contracts or agreements, in accordance with the procedure of settlement by experts provided for by the present protocol.

## ARTICLE 4

Subject to the provisions of Article 6, the provisions of the contracts and subsequent agreements referred to in Article 1 shall, by agreement, and as regards both parties, be put into conformity with the new economic conditions.

## ARTICLE 5

In the absence of agreement within one year from the coming into force of the treaty of peace signed this day, the parties will adopt the provisions regarding both the settlement of accounts and the re-adaptation of concessions, which are considered suitable and equitable by two experts, to be nominated by the parties within two months from the expiration of the period of one year mentioned above. In case of disagreement, these experts will refer the question to a third expert selected within two months by the Turkish Government from a list of three persons, nationals of countries not having participated in the war of 1914-1918, prepared by the head of the Swiss Federal Department of Public Works.

## ARTICLE 6

Beneficiaries under concessionary contracts referred to in Article 1, which have not, on the date of this protocol, begun to be put into operation, cannot avail themselves of the provisions of this protocol relating to re-adaptation. These contracts may be dissolved on the request of the concessionnaire made within six months from the coming into force of the treaty of peace signed this day. In such case the concessionnaire will be entitled, if there is ground for it, to such indemnity in respect of the survey and investigation work as, in default of agreement between the parties, shall be considered equitable by the experts provided for in this protocol.

## ARTICLE 7

Agreements entered into between the 30th October, 1918, and the 1st November, 1922, between the Ottoman Government and beneficiaries under contracts and concessions referred to in Article 1, as well as contracts between individuals involving the transfer of a concession entered into during this period, shall remain in force until they have received the approval of the Turkish Government. If this approval should not be granted, compensation shall, if there is ground for it, be paid to the concessionnaires in respect of the loss actually suffered, the amount being fixed by experts appointed as provided in Article 5. This provision shall not prejudice, as regards contracts previous to the 24th October, 1914, the right of readaptation provided for by this protocol.

## ARTICLE 8

The provisions of this protocol do not apply to agreements entered into since the 25th April, 1920, between the Government of the Grand National Assembly of Turkey and concessionnaires.

## SECTION II

## ARTICLE 9

In territories detached from Turkey under the treaty of peace signed this day, the state which acquires the territory is fully subrogated as regards the rights and obligations of Turkey towards the nationals of the other contracting Powers, and companies in which the capital of the nationals of the said Powers is preponderant, who are beneficiaries under concessionary contracts entered into before the 29th October, 1914, with the Ottoman Government or any local Ottoman authority. The same provision will apply in territories detached from Turkey after the Balkan Wars so far as regards concessionary contracts entered into with the Ottoman Government or any Ottoman local authority before the coming into force of the treaty providing for the transfer of the territory. This subrogation will have effect as from the coming into force of the treaty by which the transfer of territory was effected except as regards territories detached by the treaty of peace signed this day, in respect of which the subrogation will have effect as from the 30th October, 1918.

## ARTICLE 10

The provisions of Section I of this protocol, except Articles 7 and 8, will be applied to the contracts referred to in Article 9. Article 3 will only have effect in detached territories where the property or the services of the concessionnaires were utilized by the state exercising authority in such territory.

## ARTICLE 11

Any company formed in accordance with Ottoman law and carrying on its business in territory detached from Turkey, either after the Balkan Wars or under the treaty of peace signed this day, in which the interests of nationals of the contracting Powers other than Turkey are preponderant, will have, within five years from the coming into force of the said treaty, the right to transfer its property, rights and interests to any other company formed in accordance with the law, either of the state exercising authority on the territory in question, or of one of the contracting Powers other than Turkey whose nationals control the first-named company. The company to which the property, rights and interests shall have been transferred will be entitled to the same rights and privileges as those to which the first-named company was entitled, including those conferred upon it by the provisions of this protocol.

## ARTICLE 12

The provisions of Article 11 do not apply to companies holding concessions for public utility services, part of the exploitation of which remains in Turkish territory.

Nevertheless such companies will be entitled to the benefit of the provisions of Articles 11 and 13 as regards those parts of their undertaking which are exploited outside Turkey, and to transfer such parts to a new company.

## ARTICLE 13

Companies to which, in accordance with Article 11, property, rights and interests of Ottoman companies shall have been transferred will not be subjected in territories detached from Turkey to any special tax on account of such transfer or on account of their formation with a view to this transfer, except in so far as this provision may be inconsistent with international conventions in force. The same provision shall apply in the territory of the contracting Power, the nationality of which is taken by such companies, unless this Power raises objection to such exemption on account of its own legislation.

Done at Lausanne, the 24th July, 1923.

HORACE RUMBOLD.	CONST. DIAMANDY.
PELLÉ.	CONST. CONTZESCO.
GARRONI.	M. ISMET.
G. C. MONTAGNA.	DR. RIZA NOUR.
E. K. VENISELOS.	HASSAN.
D. CACLAMANOS.	

## DECLARATION

The undersigned, duly authorized, declare that the Turkish Government undertakes to apply the provisions of Section I of the protocol of today's date with respect to certain concessions granted in the Ottoman Empire, to Ottoman companies in which on the 1st August, 1914, the capital of nationals of the other Powers party to that protocol was preponderant.

Done at Lausanne, the 24th July, 1923.

M. ISMET.  
DR. RIZA NOUR.  
HASSAN.

### XIII. PROTOCOL RELATING TO THE ACCESSION OF BELGIUM AND PORTUGAL TO CERTAIN PROVISIONS OF INSTRUMENTS SIGNED AT LAUSANNE

The high contracting parties, signatories of the treaty of peace dated this day, have agreed to admit Belgium and Portugal to accede to the stipulations of Section I of Part II (Financial Clauses) and to the stipulations of



Part III (Economic Clauses) of the said treaty, such accession taking effect at the same time and in the same conditions as the treaty. They have similarly agreed to admit Belgium to accede, in the same conditions, to the protocol dated this day relating to certain concessions granted in the Ottoman Empire.

Consequently, the high contracting parties take note of the declarations of accession made this day by the duly authorized representatives of Belgium and Portugal. As a result of these declarations, and once they have come into force, the state of peace and official relations shall, in so far as necessary, be considered as re-established between Turkey on the one hand and each of these two Powers on the other.

Done at Lausanne, the 24th July, 1923.

HORACE RUMBOLD.	D. CACLAMANOS.
PELLÉ.	CONST. DIAMANDY.
GARRONI.	CONST. CONTZESCO.
G. C. MONTAGNA.	M. ISMET.
K. OTCHIAL.	DR. RIZA NOUR.
E. K. VENISELOS.	HASSAN.

#### DECLARATION SIGNED BY THE BELGIUM DELEGATE

The undersigned, after having produced to the representatives of the Powers signatory of the treaty of peace dated this day his full powers, found in good and due form, declares by these presents that he accedes in the name of Belgium to the stipulations of Section I of Part II (Financial Clauses) and to the stipulations of Part III (Economic Clauses) of the said treaty of peace, as well as to the stipulations of the protocol dated this day regarding certain concessions granted in the Ottoman Empire.

This accession, which will re-establish official relations, shall take effect at the time and in the terms and conditions prescribed in the protocol dated this day, by which the Powers signatory of the said treaty of peace have admitted Belgium to proceed to the present accession.

Done at Lausanne, the 24th July, 1923.

FERNAND PELTZER.

#### DECLARATION SIGNED BY THE PORTUGUESE DELEGATE

The undersigned, after having produced to the representatives of the Powers signatory of the treaty of peace dated this day his full powers, found in good and due form, declares by these presents that he accedes in the name of Portugal to the stipulations of Section I of Part II (Financial Clauses) and to the stipulations of Part III (Economic Clauses) of the said treaty of peace.

This accession, which will re-establish the state of peace and official relations, shall take effect at the time and in the terms and conditions prescribed

in the protocol dated this day, by which the Powers signatory of the said treaty of peace have admitted Portugal to proceed to the present accession.

Done at Lausanne, the 24th July, 1923.

A. M. BARTHOLOMEU FERREIRA.

#### XIV. PROTOCOL RELATING TO THE EVACUATION OF THE TURKISH TERRITORY OCCUPIED BY THE BRITISH, FRENCH AND ITALIAN FORCES

The Governments of France, Great Britain and Italy, Allied Powers whose troops at present occupy certain portions of Turkish territory, and the Government of the Grand National Assembly of Turkey, being equally desirous to give satisfaction without delay to the peaceful aspirations of their respective nations,

The undersigned, being duly authorized, have agreed respectively to take the following measures:

##### I

As soon as the ratification of the treaty of peace and other instruments concluded at Lausanne by the Grand National Assembly of Turkey shall have been notified to the Allied Powers in the person of their High Commissioners at Constantinople, the troops of the said Powers shall proceed to the evacuation of the territories occupied by them.

This operation shall include the withdrawal of the British, French and Italian naval units stationed in the strait of the Dardanelles, the Sea of Marmora and the Bosphorus.

##### II

The operations of evacuation shall be completed within six weeks.

##### III

As the evacuation proceeds, moveable and immoveable property of every description in the evacuated territories which may be duly identified as belonging to the Turkish Government or to Turkish public departments, and which are at present occupied by the Allied authorities or in their possession, shall be restored to the Turkish Government.

All measures of sequestration and of requisition shall be terminated. In respect of such restitutions and releases, *procès-verbaux* shall be drawn up, which will operate to a complete and final settlement of any claims.

The authorities of the occupying forces shall supply the Turkish Government with as complete an account as possible of all property, articles and material belonging to the said government which may have been handed over to third parties, and especially to Turkish companies.

Debts resulting from contracts concluded between the occupying authorities and private individuals will be paid in the conditions prescribed in those contracts.

## IV

The warships, including the *Yavuz-Sultan-Selim*, arms, munitions and other war material, formerly the property of the Ottoman Government, of which the Allied Powers have disposed under the armistice convention signed at Mudros on the 30th October, 1918, and which remain on the date of signature of the present protocol in the hands of the authorities of the said Powers in Turkey, shall be restored to Turkey, within the period referred to in paragraph II, in their present state and in the places where they are.

## V

The stipulations of the military convention signed at Mudania on the 11th October, 1922, shall remain in force during the period referred to in paragraph II of the present protocol.

The necessary measures to avoid any incident during the said period shall be taken by agreement between the Allied and Turkish military authorities.

The authorities of the occupying troops shall settle, by agreement with the Turkish authorities, all other questions which may arise from the evacuation operations.

## VI

Without waiting for the coming into force of the treaty of peace, the Turkish Government will confer on nationals of the Powers signatory to the said treaty the privileges resulting from Articles 69, 72, 77 and 91 (although, as regards Articles 72 and 91, the prescribed periods shall not have begun to run), and from the convention respecting conditions of residence and business. Similarly, the Turkish Government shall observe the stipulations contained in Articles 137, 138 and 140 of the treaty of peace.

## VII

The British and Turkish Governments undertake respectively, pending the coming into force of the treaty of peace, to take no action which might modify the *status quo* which is to be maintained, under the third paragraph of Article 3 (2) of the said treaty, until the determination of the frontier.

The said governments agree that the negotiations for which provision is made in the first paragraph of Article 3 (2) of the treaty of peace, relating to the frontier between Turkey and Iraq, shall be commenced as soon as the evacuation operations mentioned in paragraph I above shall have been completed, and that the period of nine months referred to in the said first paragraph of Article 3 (2) of the treaty shall begin to run from the date on which the said negotiations commence.

Done at Lausanne, the 24th July, 1923.

HORACE RUMBOLD.  
PELLÉ.  
GARRONI.  
G. C. MONTAGNA.

M. ISMET.  
DR. RIZA NOUR.  
HASSAN.

## DECLARATION

The undersigned, acting in virtue of their full powers, declare as follows:

## I

It is understood that, pending the coming into force of the Straits Convention signed this day, the fleets of the three Allied Powers will retain full and complete liberty of passage through the Straits. The warships of the said Powers in transit through the Straits shall not, except in the event of damage or peril of the sea, remain therein beyond the time which is necessary for them to effect their passage, including the time of anchorage during the night, if necessary for safety of navigation.

## II

Notwithstanding the stipulations of paragraph I of the above protocol, and until the coming into force of the Straits Convention signed this day, or until the 31st December, 1923, if the said convention has not come into force by that date, the Turkish Government will raise no objection to the maintenance in the Straits by each of the three Allied Powers of one cruiser and two destroyers, which may be accompanied by the necessary vessels for coaling and revictualling; the latter vessels shall not fly the naval ensign.

## III

The undersigned draw attention to the fact that, as from the date of the coming into force of the treaty of peace signed this day, maritime cabotage and port services will be reserved to the Turkish national flag.

They desire, nevertheless, to state that, until the 31st December, 1923, those firms which, on the 1st January, 1923, carried on cabotage or port services in Turkey shall be allowed complete liberty to continue this business.

In any event until the 31st December, 1923, Turkey will, without discrimination in favor of any Power, grant to the vessels of the other Powers signatory of the Commercial Convention dated this day all facilities of navigation, access and commerce which are provided for by Section II of the Commercial Convention for the vessels, their cargoes and their passengers.

## IV

In making this declaration, the undersigned express the hope that the treaty of peace and other instruments signed at Lausanne will come into force as soon as possible.

Done at Lausanne, the 24th July, 1923.

M. ISMET.  
DR. RIZA NOUR.  
HASSAN.

XV. PROTOCOL RELATING TO THE KARAGATCH TERRITORY  
AND THE ISLANDS OF IMBROS AND TENEDOS, SIGNED  
BY THE BRITISH EMPIRE, FRANCE, ITALY, JAPAN, GREECE  
AND TURKEY

The undersigned, duly authorized, have agreed on the following stipulations:

I

The territory situated between the Maritza and the Greco-Turkish frontier described in Article 2 (2) of the treaty of peace dated this day, which is to be restored to Turkey, shall be handed over to the Turkish authorities on the 15th September, 1923, at the latest, provided that the ratification of the said treaty by the Grand National Assembly of Turkey has been notified to the Greek Government by that date through the Allied High Commissioners at Constantinople. If that notification has not been made on the above-mentioned date, the transfer of the said territory shall take place within fifteen days from the notification.

II

The fact that the delimitation provided for in Article 5 of the treaty of peace shall not have been completed shall not delay the transfer of the above-mentioned territory to the Turkish authorities. In this event, the Greek and Turkish Governments shall proceed to a temporary delimitation on the spot of the line described in Article 2 (2) of the treaty of peace. This temporary delimitation shall be respected on both sides until the completion of the work of the commission for which provision is made in Article 5 of the said treaty.

III

The Greek inhabitants of Karagatch shall be subject to the exchange of populations for which provision is made in the convention signed the 30th January, 1923, between Greece and Turkey. They shall benefit from the stipulations of the said convention, but they shall only be compelled to emigrate six months after the re-establishment of a state of peace between Greece and Turkey.

IV

The withdrawal of the Greek troops and authorities from the islands of Imbros and Tenedos shall be carried out as soon as the treaty of peace signed this day shall have been ratified by the Greek and Turkish Governments. As soon as this withdrawal has taken place, the stipulations of Article 14 of the said treaty shall be applied by the Turkish Government.

V

No inhabitant of the territory mentioned in paragraph I of the present protocol and no inhabitant of the islands mentioned in paragraph IV shall



be disturbed or molested in Turkey under any pretext whatsoever on account of his military or political conduct or any assistance of any kind given by him to a foreign Power signatory of the treaty of peace signed this day or to the nationals of such Power.

Full and complete amnesty shall be granted to all the inhabitants of the territory and islands mentioned in the preceding paragraph for all crimes and offences, whether political or under the ordinary law, committed before this day.

Done at Lausanne, the 24th July, 1923.

HORACE RUMBOLD.	E. K. VENISELOS.
PELLÉ.	D. CACLAMANOS.
GARRONI.	M. ISMET.
G. C. MONTAGNA.	DR. RIZA NOUR.
K. OTCHIAI.	HASSAN.

XVI. PROTOCOL RELATING TO THE TREATY CONCLUDED AT SÈVRES BETWEEN THE PRINCIPAL ALLIED POWERS AND GREECE ON THE 10TH AUGUST, 1920, CONCERNING THE PROTECTION OF MINORITIES IN GREECE, AND TO THE TREATY CONCLUDED ON THE SAME DAY BETWEEN THE SAME POWERS RELATING TO THRACE

The Governments of the British Empire, France, Italy, Japan and Greece, being of opinion that the coming into force of the treaty of peace and other instruments concluded during the present conference will necessitate the bringing into force of the treaty concluded at Sèvres on the 10th August, 1920, between the Principal Allied Powers and Greece concerning the protection of minorities in Greece, and of the treaty relating to Thrace, also concluded on the 10th August, 1920, at Sèvres between the same Powers.

The undersigned, duly authorized, agree as follows on behalf of their respective governments:—

1. The ratifications of the two treaties concluded at Sèvres referred to above shall, if they have not already been deposited at that date, be deposited at the same time as the ratifications of the treaty of peace and instruments signed this day at Lausanne.
2. The provisions of Article 7, second paragraph, and of Article 15 of the Treaty of Sèvres referred to above concerning the protection of minorities, are and remain abrogated.
3. The application of the provisions of Article 1 of the Treaty of Sèvres referred to above relating to Thrace will be limited in accordance with the terms of Article 2 (2) of the treaty of peace signed this day.

Done at Lausanne, the 24th July, 1923.

HORACE RUMBOLD.	K. OTCHIAI.
PELLÉ.	E. K. VENISÉLOS.
GARRONI.	D. CACLAMANOS.
G. C. MONTAGNA.	

## XVII. PROTOCOL RELATING TO SIGNATURE BY THE SERB-CROAT-SLOVENE STATE

The undersigned, having signed at Lausanne on this day, in the name of their respective governments, some or all of the instruments hereinafter mentioned, to wit:—

Treaty of peace;  
Convention respecting the régime of the Straits;  
Convention respecting the Thracian frontier;  
Convention respecting conditions of residence and business and jurisdiction;  
Commercial convention;  
Amnesty declaration and protocol;  
Protocol relating to certain concessions granted in the Ottoman Empire;  
Protocol relating to the accession of Belgium and Portugal to certain provisions of instruments signed at Lausanne;

have agreed, each in so far as concerns the instruments which he has signed, to admit the Serb-Croat-Slovene State to sign the said instruments simultaneously at Paris, at any time before the coming into force of the treaty of peace, through the intermediary of one or several of her plenipotentiaries whose names figure in the Final Act of the present Conference of Lausanne.

Done at Lausanne, the 24th July, 1923.

HORACE RUMBOLD.	E. K. VENISÉLOS.
PELLÉ.	D. CACLAMANOS.
GARRONI.	CONST. DIAMANDY.
G. C. MONTAGNA.	CONST. CONTZESCO.
K. OTCHIAL.	M. ISMET.
B. MORPHOFF.	DR. RIZA NOUR.
STANCIOFF.	HASSAN.

## SUBSIDIARY DOCUMENTS FORMING PART OF THE PEACE SETTLEMENT

*Letters exchanged between Ismet Pasha and Sir H. Rumbold respecting the exemption of Allied nationals, who suffered from the Smyrna fire, from the payment of the arrears of temettu tax due for the financial year 1922-1923*

Your Excellency,

*Lausanne, July 24, 1923.*

With reference to the declaration made in the Economic Committee regarding the payment of arrears of taxes, I have the honor to confirm that the Turkish Government, inspired by the same sentiment of humanity as the three inviting Powers, will take the necessary measures in order that Allied nationals, who suffered from the Smyrna fire, may be exempted from

the payment of the arrears of the temettu tax due for the financial year 1922-23, notwithstanding the provisions of Article 69 (Economic Clauses).

I avail, &c.

M. ISMET.

His Excellency Sir Horace Rumbold,  
 Delegate to His Britannic Majesty at the Peace Conference,  
 &c., &c., &c.

Your Excellency,

Lausanne, July 24, 1923.

I have the honor to acknowledge the receipt of the letter which your Excellency has been so good as to address to me today confirming, in accordance with the arrangement made between the delegations concerned, that the Turkish Government will take the necessary measures in order that the Allied nationals who suffered from the Smyrna fire may be exempted from the payment of the arrears of the temettu tax due for the financial year 1922-1923, notwithstanding the provisions of Article 69 (Economic Clauses).

I avail, &c.

HORACE RUMBOLD.

His Excellency General Ismet Pasha,  
 President of the Turkish Delegation,  
 &c., &c., &c.

*Letter addressed by the delegates of the three inviting Powers to Ismet Pasha in connection with the suppression of Article 70 of the original draft treaty of peace (financial operations of the Council of the Ottoman Debt since the 30th October, 1918)*

M. le Président,

Lausanne, July 23, 1923.

At the last meeting of the Second Committee, it was agreed between us that Article 70 of the former draft treaty, regarding certain financial operations carried out at Constantinople after the 30th October, 1918, should be suppressed, and replaced by a letter addressed by your Excellency to the Council of the Debt, a letter the receipt of which the latter was to have acknowledged and with which it was to have notified its agreement. We had also reached agreement with your Excellency on the draft letter to be addressed to the Council, a copy of which you have communicated to us.<sup>1</sup>

<sup>1</sup> The following was to have been the text of the draft letter referred to:  
*Draft letter to be addressed by the Turkish Government to the Council of the Ottoman Public Debt (to replace Article 70 of the draft treaty of January 31)*

The payments which have been effected since the 30th October, 1918, up to the date of the present letter by the establishments entrusted with the service of the loans of the Ottoman Public Debt, in respect of the coupons due on the Unified Debt and on the other loans as well as on the *Lots turcs* drawn for payment, shall not be further contested in any way by the Turkish Government.

We regret to have to inform your Excellency that it appears from correspondence exchanged with the President of the Council of the Debt that the draft agreed upon here presents certain difficulties from the point of view of the Council. As there is not sufficient time to settle these difficulties before the signature of the treaty, we propose to your Excellency that the question of the letters to be exchanged between the Government and the Council of the Debt should be left over for subsequent settlement. It should be clearly understood that in making this proposal we do not wish in any way to go back on the agreement to suppress Article 70 of the former draft treaty, and that we adhere to the principles on which the draft letter which we had agreed upon was based, that is, that the validity of the operations in question will not be disputed, but that, on the other hand, they are not to be regarded as constituting a precedent in so far as concerns the currency in which payments are to be made.

We avail, &c.

PELLÉ      HORACE RUMBOLD      G. C. MONTAGNA.

His Excellency General Ismet Pasha,  
President of the Turkish Delegation,  
&c.,                      &c.,                      &c.

*Letters exchanged between Ismet Pasha and Sir H. Rumbold respecting the treatment to be accorded by the Turkish Government to British religious, scholastic and medical establishments and charitable institutions in Turkey*

Your Excellency,

*Lausanne, July 24, 1923.*

With reference to the convention regarding the conditions of residence and business signed at Lausanne today, and following on the decision taken by the First Committee at its meeting of the 19th May, 1923, regarding the substitution of the declaration, which was to have been annexed to the said convention, by an exchange of letters, I have the honor to declare, in the name of my government, that the latter will recognize the existence of British religious, scholastic and medical establishments, as well as of charitable institutions recognized as existing in Turkey before the 30th October, 1914, and that it will favorably examine the case of other similar British institutions actually existing in Turkey at the date of the treaty of peace signed today, with a view to regularize their position.

The payments, encashments and settlements of account effected since the 30th October, 1918, up to the date of the present letter, in accordance with the agreement concluded between the Council of the Ottoman Public Debt and the Constantinople Government in regard to the portion payable to the Ottoman Public Debt of the customs revenues (customs surtaxes) in consequence of the application of the specific tariffs, are recognized as valid.

It is understood that the operations referred to in the present letter must not be considered as forming a precedent in regard to future payments.

The establishments and institutions mentioned above will, as regards fiscal charges of every kind, be treated on a footing of equality with similar Turkish establishments and institutions, and will be subject to the administrative arrangements of a public character, as well as to the laws and regulations, governing the latter. It is, however, understood that the Turkish Government will take into account the conditions under which these establishments carry on their work, and, in so far as schools are concerned, the practical organization of their teaching arrangements.

I avail, &c.

M. ISMET.

His Excellency Sir Horace Rumbold,  
 Delegate of His Britannic Majesty at the Peace Conference,  
 &c.,                      &c.,                      &c.

M. le Président,

*Lausanne, July 24, 1923.*

I have the honor to acknowledge the receipt of the letter which your Excellency has been good enough to address to me today in accordance with the agreement reached between the delegations concerned, in regard to the treatment to be accorded by the Turkish Government to British religious, scholastic and medical establishments in Turkey.

I avail myself, &c.

HORACE RUMBOLD.

His Excellency General Ismet Pasha,  
 President of the Turkish Delegation,  
 &c.,                      &c.,                      &c.

*Letters exchanged between Ismet Pasha and Sir H. Rumbold respecting cabotage<sup>1</sup>*

Your Excellency,

*Lausanne, July 24, 1923.*

With reference to Article 9 of the Commercial Convention signed at Lausanne on today's date, I hasten to inform your Excellency of what follows:

The Turkish Government, having decided to reserve cabotage trade to the national flag, has the honor to inform your Excellency that it agrees that the concerns mentioned below, which have hitherto carried on regular services in Turkish waters, should undertake in Turkey the transport of goods and passengers from one port to another; and it is prepared to negotiate with these concerns the conditions under which they may eventually be authorized to continue such traffic, for such period as may be provided for in any contract which they may conclude with the Turkish Government.

If, within a period of six months from the 1st January, 1924, these negotiations should not have led to an agreement, the said concerns would only be entitled to carry on their activities under present conditions for a further period of two years.

<sup>1</sup> Shipping trade from one port to another of the same state.



The concerns referred to above as benefiting by this arrangement will be the following:

The Khedivial Mail Steamship and Graving Dock Company (Limited).  
M. and J. Constant.  
Ellerman Line (Limited).

The vessels of Turkish concerns which at the present time are engaged in cabotage trade in Turkey shall enjoy reciprocal treatment on the coasts of Great Britain.

I beg your Excellency to be so good as to inform me of the agreement of your Government, and I avail, &c.

M. ISMET.

His Excellency Sir Horace Rumbold,  
Delegate of His Britannic Majesty at the Peace Conference,  
&c., &c. &c.

Your Excellency,

Lausanne, July 24, 1923.

I have the honor to acknowledge the receipt of the letter of today's date which your Excellency has been so good as to address to me regarding cabotage trade. In taking note, in the name of my government, of the contents of the said letter, I hasten to inform you that we are in agreement both in regard to the conditions under which the cabotage services of the three British shipping concerns mentioned in your letter are to be carried on, and in regard to the reciprocal conditions to be granted on the coasts of Great Britain, to the vessels of Turkish concerns which at the present date are engaged in cabotage trade in Turkey.

I avail, &c.

HORACE RUMBOLD.

His Excellency General Ismet Pasha,  
President of the Turkish Delegation,  
&c., &c., &c.

*Letter addressed by Ismet Pasha to Sir H. Rumbold, enclosing copy of letter sent by Ismet Pasha to Sir W. G. Armstrong, Whitworth and Co. and Messrs. Vickers, Limited; together with copy of acknowledgment sent by Sir H. Rumbold*

Your Excellency,

Lausanne, July 24, 1923.

I have the honor to transmit to you herewith a copy of the letter which I have addressed today to the Chairman of Messrs. Armstrong, Whitworth and Co., Limited, and Messrs. Vickers, Limited.

I avail myself, &c.

M. ISMET.

His Excellency Sir Horace Rumbold,  
Delegate of His Britannic Majesty at the Peace Conference,  
&c., &c., &c.

[Enclosure]

M. le Président,

Lausanne, July 24, 1923.

In the name of the Minister of Public Works of the Government of the Grand National Assembly of Turkey, and with reference to the provisions regarding Messrs. Armstrong, Whitworth and Co., Limited, and Vickers, Limited, appearing in Article 2 of the Protocol of to-day's date concerning concessions, I have the honor to inform you of the following:

It is understood that if, within a period of five years from the date of the signature of the treaty of peace, the Turkish Government should propose either partially or completely to carry out the construction or to assure the working, by contracts to be concluded subsequently to the date in question, of the undertakings provided for in the conventions specified [in the aforementioned protocol], by inviting the coöperation of foreign industry or capital, the Turkish Government would advise the above-mentioned companies, and will put them in a position to compete on a footing of complete equality with any other person or company.

I avail myself, &amp;c.

M. ISMET.

To the Chairman of

Messrs. Armstrong, Whitworth and Co., Limited,  
and Messrs. Vickers, Limited, London.

M. le Président,

Lausanne, July 24, 1923.

I have the honor to acknowledge the receipt of the letter which your Excellency has been good enough to address to me today, enclosing a copy of the letter of the same date addressed by your Excellency, in accordance with the agreement reached between us, to Sir W. G. Armstrong, Whitworth and Co., and to Messrs. Vickers, Limited.

I avail myself, &amp;c.

HORACE RUMBOLD.

His Excellency General Ismet Pasha,  
President of the Turkish Delegation,  
&c.,                      &c.,                      &c.

*Letter addressed by the Turkish Delegation to the President of the Third Committee in regard to certain railway and port concessions in Turkey*

Your Excellency,

Lausanne, July 24, 1923.

I have the honor to inform you that the concession contracts, as well as the subsequent agreements referring thereto, duly concluded before the 29th October, 1914, with the Ottoman Government in regard to the following undertakings are maintained: Anatolian Railway, Bagdad Railway, Mersina-Adana Railway, Oriental Railways and Haidar-Pasha harbor. The clauses of the said contracts and agreements will, within a period of

one year to be reckoned from the coming into force of the treaty of peace of today's date, be brought into conformity with the new economic conditions.

I avail myself, &c.

M. ISMET.

To the President of the

Third Committee of the Peace Conference.

*Convention regarding compensation payable by Greece to Allied nationals*

The British Empire, France, Italy and Greece, wishing to settle the method of repayment, by the Greek Government, to nationals of the other contracting Powers and to companies in which, on the 1st June, 1921, the interests of the latter were preponderant, of debts resulting from the actions of the Greek authorities in Turkey,

Have resolved to conclude a convention for this purpose, and have appointed as their plenipotentiaries:

FOR THE BRITISH EMPIRE:

The Right Honorable Sir Horace George Montagu Rumbold, Baronet,  
G.C.M.G., High Commissioner at Constantinople;

FOR FRANCE:

General Maurice Pellé, Ambassador of France, High Commissioner of the Republic in the East, Grand Officer of the National Order of the Legion of Honor;

FOR ITALY:

The Honorable Marquis Camillo Garroni, Senator of the Kingdom, Ambassador of Italy, High Commissioner at Constantinople, Grand Cross of the Orders of Saints Maurice and Lazarus, and of the Crown of Italy;

M. Giulio Cesare Montagna, Envoy Extraordinary and Minister Plenipotentiary at Athens, Commander of the Order of Saints Maurice and Lazarus, Grand Officer of the Crown of Italy;

FOR GREECE:

M. Eleftherios K. Veniselos, formerly President of the Council of Ministers, Grand Cross of the Order of the Savior;

M. Demetrios Caclamanos, Minister Plenipotentiary at London, Commander of the Order of the Savior;

Who, having produced their full powers, found in good and due form, have agreed as follows:—

SINGLE ARTICLE

The Greek Government undertakes to pay to the nationals of the other contracting Powers and to Turkish companies in which, on the 1st June, 1921, the interests of the latter were preponderant, in a proportion corre-

sponding to those interests, the sums which are due to them for the repayment of the value of goods requisitioned or seized by the Greek armies or administrative authorities, the sums due for services rendered to those armies and authorities which have not already been paid, as well as those due as compensation for other losses and damage suffered after the 1st June, 1921, by the said nationals and companies, resulting from the acts of the Greek armies or administrative authorities, other than loss and damage due to acts of war in the zone of active military operations.

Failing an agreement between the parties concerned and the Greek Government, the amounts due shall be determined by an arbitral tribunal consisting of a representative of the Greek Government, of a representative of the claimant, and of an umpire chosen by mutual agreement, or, failing agreement, by the President of the Permanent Court of International Justice at The Hague.

The payments referred to in the foregoing provisions shall be effected by means of annuities spread over a period of forty years, calculated with an interest of five per cent., or according to such other mode of settlement as may be subsequently adopted by mutual agreement.

It is understood that debts resulting from contracts concluded in the occupied territory in Turkey by the Greek armies or administrative authorities between those armies or authorities, on the one part, and the nationals of the other contracting parties, and Turkish companies in which the interests of the latter were preponderant, on the other part, shall be effected by the Greek Government according to the provisions of those contracts.

The present convention shall be ratified; each signatory Power shall deposit its ratification in Paris at the same time as its ratification of the treaty of peace of today's date. It will come into force as soon as all the signatory Powers shall have deposited their ratifications, a date which will be established by a formal minute drawn up by the French Government.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done at Lausanne, the 24th July, 1923, in a single copy which will be deposited in the archives of the Government of the French Republic, who will transmit a certified copy to each of the signatory Powers.

HORACE RUMBOLD.

PELLÉ.

GARRONI.

G. C. MONTAGNA.

E. K. VENISELOS.

D. CACLAMANOS.

## OFFICIAL DOCUMENTS

### NATURALIZATION TREATY BETWEEN THE UNITED STATES AND BULGARIA<sup>1</sup>

*Signed at Sofia, November 23, 1923; ratifications exchanged at Sofia, April 5, 1924*

The President of the United States of America and His Majesty Boris III, King of the Bulgarians, being desirous of reaching an agreement concerning the status of former nationals of either country who have acquired, or may acquire, the nationality of the other by reasonable processes of naturalization within any territory under its sovereignty, have resolved to conclude a treaty on this subject and for that purpose have appointed their plenipotentiaries, that is to say:

The President of the United States of America: Charles S. Wilson, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Bulgaria; and His Majesty, the King of the Bulgarians: Christo Kalfoff, Minister for Foreign Affairs and Worship of Bulgaria,

Who, having communicated to each other their full powers, found to be in good and due form, have agreed upon the following articles:

#### ARTICLE I

Nationals of the United States who have been or shall be naturalized in Bulgarian territory, shall be held by the United States to have lost their former nationality and to be nationals of Bulgaria.

Reciprocally, nationals of Bulgaria who have been or shall be naturalized in territory of the United States shall be held by Bulgaria to have lost their original nationality and to be nationals of the United States.

The foregoing provisions of this article are subject to any law of either country providing that its nationals do not lose their nationality by becoming naturalized in another country in time of war.

The word "national," as used in this convention, means a person owing permanent allegiance to, or having the nationality of, the United States or Bulgaria, respectively, under the laws thereof.

The word "naturalized" refers only to the naturalization of persons of full age, upon their own applications, and to the naturalization of minors through the naturalization of their parents. It does not apply to the acquisition of nationality by a woman through marriage.

#### ARTICLE II

Nationals of either country who have or shall become naturalized in the territory of the other, as contemplated in Article I, shall not, upon returning

<sup>1</sup> U. S. Treaty Series, No. 684.



to the country of former nationality, be punishable for the original act of emigration, or for failure, prior to naturalization, to respond to calls for military service not accruing until after *bona fide* residence was acquired in the territory of the country whose nationality was obtained by naturalization.

### ARTICLE III

If a national of either country, who comes within the purview of Article I, shall renew his residence in his country of origin without the intent to return to that in which he was naturalized, he shall be held to have renounced his naturalization.

The intent not to return may be held to exist when a person naturalized in one country shall have resided more than two years in the other.

### ARTICLE IV

The present treaty shall go into effect immediately upon the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the treaty, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

In witness whereof, the respective plenipotentiaries have signed this treaty and have hereunto affixed their seals.

Done in duplicate at Sofia this 23rd day of November, 1923.

[SEAL] CHARLES S. WILSON

[SEAL] CHR. KALFOFF.

### CONVENTION AND STATUTE ON FREEDOM OF TRANSIT<sup>1</sup>

*Signed at Barcelona, April 20, 1921<sup>2</sup>*

Albania, Austria, Belgium, Bolivia, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cuba, Denmark, the British Empire (with New Zealand and India), Spain, Esthonia, Finland, France, Greece, Guatemala, Haiti, Honduras, Italy, Japan, Latvia, Lithuania, Luxemburg, Norway, Panama, Paraguay, the Netherlands, Persia, Poland, Portugal, Roumania, the Serb-Croat-Slovene State, Sweden, Switzerland, Czecho-Slovakia, Uruguay and Venezuela:

Desirous of making provision to secure and maintain freedom of communications and of transit,

Being of opinion that in such matters general conventions to which other Powers may accede at a later date constitute the best method of realizing the purpose of Article 23 (e) of the Covenant of the League of Nations,

Recognizing that it is well to proclaim the right of free transit and to make

<sup>1</sup> British Treaty Series No. 27 (1923), [Cmd. 1992].

<sup>2</sup> For ratifications and accessions, see note at end of statute, p. 127.

regulations thereon as being one of the best means of developing coöperation between states without prejudice to their rights of sovereignty or authority over routes available for transit,

Having accepted the invitation of the League of Nations to take part in a conference at Barcelona which met on the 10th March 1921, and having taken note of the final Act of such conference,

Anxious to bring into force forthwith the provisions of the regulations relating to transit by rail or waterway adopted thereat,

Wishing to conclude a convention for this purpose, the high contracting parties have appointed as their plenipotentiaries:

The President of the Supreme Council of Albania: Monsignor Fan S. Noli, Member of Parliament;

The President of the Republic of Austria: M. Henri Reinhardt, Ministerial Councillor;

His Majesty the King of the Belgians: M. Xavier Neujean, Member of the Chamber of Representatives, Minister of Railways, Marine, Posts and Telegraphs;

The President of the Republic of Bolivia: M. Trifon Melean, Bolivian Consul-General in Spain;

His Majesty the King of Bulgaria: M. Lubin Bochkoff, Civil Engineer, Assistant to the Director General of Railways and Ports;

The President of the Republic of Chile: Señor Manuel Rivas Vicuña, Envoy Extraordinary and Minister Plenipotentiary;

The President of the Republic of China: M. Ouang Yong-Pao, Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the King of Denmark and of Iceland: M. Peter Andreas Holck-Colding, Chef de Bureau in the Ministry of Public Works;

His Majesty the King of Spain: Señor Don Emilio Ortuño y Berte, Member of the Chamber of Deputies, formerly Minister of Public Works;

The President of the Esthonian Republic: M. Charles Robert Pusta, Minister Plenipotentiary;

The President of the Republic of Finland: M. Rolf Thesleff, Envoy Extraordinary and Minister Plenipotentiary;

The President of the French Republic: M. Maurice Sibille, Deputy, Member of the Comité consultatif des Chemins de fer français;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: Sir Hubert Llewellyn Smith, G. C. B., Economic Adviser to the Government; and for the Dominion of New Zealand: Sir Hubert Llewellyn Smith, G. C. B.; for India: Sir Louis James Kershaw, K. C. S. I., C. I. E., Secretary in the Revenue and Statistics Department in the India Office;

His Majesty the King of the Hellenes: M. Pierre Scassi, Envoy Extraordinary and Minister Plenipotentiary of His Hellenic Majesty in Spain;

The President of the Republic of Guatemala: Dr. Norberto Galvez, Guatemalan Consul-General at Barcelona;

His Majesty the King of Italy: M. Paolo Bignami, Engineer, Member of the Chamber of Deputies, formerly Under-Secretary of State;

His Majesty the Emperor of Japan: M. Matsuda, Minister Plenipotentiary, Counsellor of the Japanese Embassy in Paris;

The President of the Republic of Latvia: M. Germain Albat, Under-Secretary of State for Foreign Affairs;

The President of the Lithuanian Republic: M. V. Sidzikauskas, Chargé d'Affaires at Berne;

Her Royal Highness the Grand-Duchess of Luxemburg: M. Antoine Lefort, Chargé d'Affaires at Berne;

His Majesty the King of Norway: Dr. Fridtjof Nansen, Professor in Christiania University;

The President of the Republic of Panama: Dr. Evenor Hazera, Consul-General for Panama in Spain, formerly Under-Secretary of State;

Her Majesty the Queen of the Netherlands: Jonkheer van Panhuys, Minister Plenipotentiary;

His Imperial Majesty the Shah of Persia: His Excellency Mirza Hussein Khan Alaï, Envoy Extraordinary and Minister Plenipotentiary to Spain;

The President of the Polish Republic: M. Joseph Wielowiejski;

The President of the Portuguese Republic: M. Alfredo Freire d'Andrade, formerly Minister for Foreign Affairs;

His Majesty the King of Roumania: M. E. Margaritescu Grecianu, Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the King of the Serbs, Croats and Slovenes: Dr. Ante Tresich-Pavichich, Envoy Extraordinary and Minister Plenipotentiary to Spain and Portugal;

His Majesty the King of Sweden: M. Fredrik V. Hansen, Director-General of Hydraulic Power and State Canals;

The President of the Swiss Confederation: M. Giuseppe Motta, Federal Councillor, Chief of the Federal Political Department;

The President of the Czecho-Slovak Republic: Dr. Otokar Lankas, Ministerial Councillor and Director of Transport in the Ministry of Railways;

The President of the Oriental Republic of Uruguay: M. Benjamin Fernandez y Medina, Envoy Extraordinary and Minister Plenipotentiary to Spain;

Who, after communicating their full powers found in good and due form, have agreed as follows:

#### ARTICLE I

The high contracting parties declare that they accept the Statute on Freedom of Transit annexed hereto, adopted by the Barcelona Conference on the 14th April 1921.

This statute will be deemed to constitute an integral part of the present convention. Consequently, they hereby declare that they accept the obligations and undertakings of the said statute in conformity with the terms and in accordance with the conditions set out therein.

#### ARTICLE 2

The present convention does not in any way affect the rights and obligations arising out of the provisions of the Treaty of Peace signed at Versailles on the 28th June 1919, or out of the provisions of the other corresponding treaties, in so far as they concern the Powers which have signed, or which benefit by, such treaties.

#### ARTICLE 3

The present convention, of which the French and English texts are both authentic, shall bear this day's date and shall be open for signature until the 1st December 1921.

#### ARTICLE 4

The present convention is subject to ratification. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who will notify the receipt of them to the other members of the League and to states admitted to sign the convention. The instruments of ratification shall be deposited in the archives of the Secretariat.

In order to comply with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present convention upon the deposit of the first ratification.

#### ARTICLE 5

Members of the League of Nations which have not signed the present convention before the 1st December 1921, may accede to it.

The same applies to states not members of the League to which the Council of the League may decide officially to communicate the present convention.

Accession will be notified to the Secretary-General of the League, who will inform all Powers concerned of the accession and of the date on which it was notified.

#### ARTICLE 6

The present convention will not come into force until it has been ratified by five Powers. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the fifth ratification. Thereafter the present convention will take effect in the case of each party ninety days after the receipt of its ratification or of the notification of its accession.

Upon the coming into force of the present convention, the Secretary-General will address a certified copy of it to the Powers not members of the League which are bound under the treaties of peace to accede to it.

## ARTICLE 7

A special record shall be kept by the Secretary-General of the League of Nations, showing which of the parties have signed, ratified, acceded to or denounced the present convention. This record shall be open to the members of the League at all times; it shall be published as often as possible in accordance with the directions of the Council.

## ARTICLE 8

Subject to the provisions of Article 2 of the present convention, the latter may be denounced by any party thereto after the expiration of five years from the date when it came into force in respect of that party. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations. Copies of such notification shall be transmitted forthwith by him to all other parties, informing them of the date on which it was received.

The denunciation shall take effect one year after the date on which it was notified to the Secretary-General, and shall operate only in respect of the notifying Power.

## ARTICLE 9

A request for the revision of the present convention may be made at any time by one-third of the high contracting parties.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done at Barcelona the twentieth day of April one thousand nine hundred and twenty-one, in a single copy which shall remain deposited in the archives of the League of Nations.

FAN S. NOLI.  
REINHARDT.  
XAVIER NEUJEAN.  
TRIFON MELEAN.  
L. BOCHKOFF.  
MANUEL RIVAS VICUNA.  
OUANG YONG-PAO.  
A. HOLCK-COLDING.  
H. LLEWELLYN SMITH.

P. SCASSI.  
N. GALVEZ S.  
PAOLO BIGNAMI.  
M. MATSUDA.  
GERMAIN ALBAT.  
V. SIDZIKAIKAS.  
LEFORT.  
FRIDTJOF NANSEN.  
EVENOR HAZERA.  
VAN PANHUYS.  
HUSSEIN KHAN ALAI.  
JOSEPH WIELOVIEYSKI.  
A. FREIRE D'ANDRADE.

Subject to the declaration inserted in the *procès-verbal* of the meeting of April 19th, 1921, as to the British Dominions which have not been represented at the Barcelona Conference.\*

\* The text of the declaration reads as follows:

"At the time of signing this convention, and as representative of the British Empire, I declare that my signature is not binding upon the British Dominions of Canada, Australia and South Africa, which are individual members of the League of Nations and have not sent



H. LLEWELLYN SMITH.

L. J. KERSHAW.

E. ORTUNO.

C. R. PUSTA.

ROLF THESLEFF.

MAURICE SIBILLE.

E. MARGARITESCO GRECIANU.

ANTE TRESICH-PAVICIC.

FREDRIK HANSEN.

MOTTA.

DR. LANKAS OTOKAR.

B. FERNANDEZ Y MEDINA.

### *Statute on Freedom of Transit*

#### ARTICLE 1

Persons, baggage and goods, and also vessels, coaching and goods stock, and other means of transport, shall be deemed to be in transit across territory under the sovereignty or authority of one of the contracting states, when the passage across such territory, with or without transshipment, warehousing, breaking bulk, or change in the mode of transport, is only a portion of a complete journey, beginning and terminating beyond the frontier of the state across whose territory the transit takes place.

Traffic of this nature is termed in this statute "traffic in transit."

#### ARTICLE 2

Subject to the other provisions of this statute, the measures taken by contracting states for regulating and forwarding traffic across territory under their sovereignty or authority shall facilitate free transit by rail or waterway on routes in use convenient for international transit. No distinction shall be made which is based on the nationality of persons, the flag of vessels, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods or of vessels, coaching or goods stock or other means of transport.

In order to ensure the application of the provisions of this article, contracting states will allow transit in accordance with the customary conditions and reserves across their territorial waters.

#### ARTICLE 3

Traffic in transit shall not be subject to any special dues in respect of transit (including entry and exit). Nevertheless, on such traffic in transit there may be levied dues intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such dues must correspond as nearly as possible with the expenses which they are intended to

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representatives to this conference. The right of each of these three Dominions to sign the convention, or to accede to it at a later date, is reserved, it being understood that, if they do not sign or accede to it, they shall not be entitled to benefit by the convention.

"I also reserve the right to declare, at the time of ratification, whether the ratification includes the Dominion of Newfoundland. If it is not included in the ratification, the Dominion of Newfoundland will not be entitled to benefit by the convention."

cover, and the dues must be imposed under the conditions of equality laid down in the preceding article, except that on certain routes, such dues may be reduced or even abolished on account of differences in the cost of supervision.

#### ARTICLE 4

The contracting states undertake to apply to traffic in transit on routes operated or administered by the state or under concession, whatever may be the place of departure or destination of the traffic, tariffs which, having regard to the conditions of the traffic and to considerations of commercial competition between routes, are reasonable as regards both their rates and the method of their application. These tariffs shall be so fixed as to facilitate international traffic as much as possible. No charges, facilities or restrictions shall depend, directly or indirectly, on the nationality or ownership of the vessel or other means of transport on which any part of the complete journey has been or is to be accomplished.

#### ARTICLE 5

No contracting state shall be bound by this statute to afford transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public health or security, or as a precaution against diseases of animals or plants.

Each contracting state shall be entitled to take reasonable precautions to ensure that persons, baggage and goods, particularly goods which are the subject of a monopoly, and also vessels, coaching and goods stock and other means of transport, are really in transit, as well as to ensure that passengers in transit are in a position to complete their journey, and to prevent the safety of the routes and means of communication being endangered.

Nothing in this statute shall affect the measures which one of the contracting states may feel called upon to take in pursuance of general international conventions to which it is a party, or which may be concluded hereafter, particularly conventions concluded under the auspices of the League of Nations, relating to the transit, export or import of particular kinds of articles, such as opium or other dangerous drugs, arms or the produce of fisheries, or in pursuance of general conventions intended to prevent any infringement of industrial, literary or artistic property, or relating to false marks, false indications of origin, or other methods of unfair competition.

Any haulage service established as a monopoly on waterways used for transit must be so organized as not to hinder the transit of vessels.

#### ARTICLE 6

This statute does not of itself impose on any of the contracting states a fresh obligation to grant freedom of transit to the nationals and their baggage, or to the flag of a non-contracting state, nor to the goods, nor to coaching and goods stock or other means of transport coming or entering from, or

leaving by, or destined for a non-contracting state, except when a valid reason is shown for such transit by one of the other contracting states concerned. It is understood that for the purposes of this article, goods in transit under the flag of a contracting state shall, if no transshipment takes place, benefit by the advantages granted to that flag.

#### ARTICLE 7

The measures of a general or particular character which a contracting state is obliged to take in case of an emergency affecting the safety of the state or the vital interests of the country may in exceptional cases, and for as short a period as possible, involve a deviation from the provisions of the above articles; it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

#### ARTICLE 8

This statute does not prescribe the rights and duties of belligerents and neutrals in time of war. The statute shall, however, continue in force in time of war so far as such rights and duties permit.

#### ARTICLE 9

This statute does not impose upon a contracting state any obligations conflicting with its rights and duties as a member of the League of Nations.

#### ARTICLE 10

The coming into force of this statute will not abrogate treaties, conventions and agreements on questions of transit concluded by contracting states before the 1st May 1921.

In consideration of such agreements being kept in force, contracting states undertake, either on the termination of the agreement or when circumstances permit, to introduce into agreements so kept in force which contravene the provisions of this statute the modifications required to bring them into harmony with such provisions, so far as the geographical, economic or technical circumstances of the countries or areas concerned allow.

Contracting states also undertake not to conclude in future treaties, conventions or agreements which are inconsistent with the provisions of this statute, except when geographical, economic or technical considerations justify exceptional deviations therefrom.

Furthermore, contracting states may, in matters of transit, enter into regional understandings consistent with the principles of this statute.

#### ARTICLE 11

This statute does not entail in any way the withdrawal of facilities which are greater than those provided for in the statute and have been granted, under conditions consistent with its principles, to traffic in transit across ter-

ritory under the sovereignty or authority of a contracting state. The statute also entails no prohibitions of such grant of greater facilities in the future.

#### ARTICLE 12

In conformity with Article 23 (e) of the Covenant of the League of Nations, any contracting state which can establish a good case against the application of any provision of this statute in some or all of its territory on the ground of the grave economic situation arising out of the acts of devastation perpetrated on its soil during the war 1914-1918, shall be deemed to be relieved temporarily of the obligations arising from the application of such provision, it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

#### ARTICLE 13

Any dispute which may arise as to the interpretation or application of this statute which is not settled directly between the parties themselves shall be brought before the Permanent Court of International Justice, unless, under a special agreement or a general arbitration provision, steps are taken for the settlement of the dispute by arbitration or some other means.

Proceedings are opened in the manner laid down in Article 40 of the statute of the Permanent Court of International Justice.

In order to settle such disputes, however, in a friendly way as far as possible, the contracting states undertake, before resorting to any judicial proceedings and without prejudice to the powers and right of action of the Council and of the Assembly, to submit such disputes for an opinion to any body established by the League of Nations, as the advisory and technical organization of the Members of the League in matters of communications and transit. In urgent cases, a preliminary opinion may recommend temporary measures intended, in particular, to restore the facilities for freedom of transit which existed before the act or occurrence which gave rise to the dispute.

#### ARTICLE 14

In view of the fact that within or immediately adjacent to the territory of some of the contracting states there are areas or enclaves, small in extent and population in comparison with such territories, and that these areas or enclaves form detached portions or settlements of other parent states, and that it is impracticable for reasons of an administrative order to apply to them the provisions of this statute, it is agreed that these provisions shall not apply to them.

The same stipulation applies where a colony or dependency has a very long frontier in comparison with its surface and where in consequence it is practically impossible to afford the necessary customs and police supervision.

The states concerned, however, will apply in the cases referred to above a

régime which will respect the principles of the present statute and facilitate transit and communications as far as practicable.

## ARTICLE 15

It is understood that this statute must not be interpreted as regulating in any way rights and obligations *inter se* of territories forming part or placed under the protection of the same sovereign state, whether or not these territories are individually members of the League of Nations.

## NOTE

*Ratifications deposited*

Austria.....	Nov. 15, 1923
British Empire*.....	} Aug. 2, 1922
New Zealand.....	
India.....	
Bulgaria.....	July 11, 1922
Czechoslovakia.....	Oct. 29, 1923
Denmark.....	Nov. 13, 1922
Finland.....	Jan. 29, 1922
Italy.....	Aug. 5, 1922
Latvia.....	Sept. 29, 1923
Norway.....	Sept. 4, 1923
Roumania.....	Sept. 5, 1923

*Accessions*

Federated Malay States.....	Sept. 2, 1923
Unfederated Malay States.....	Sept. 2, 1923
Siam.....	Nov. 29, 1923

\* Deemed to apply to Newfoundland, but not to Canada, South Africa or Australia.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN  
TO AID IN THE PREVENTION OF THE SMUGGLING OF INTOXICATING  
LIQUORS INTO THE UNITED STATES<sup>1</sup>

*Signed at Washington, January 23, 1924; ratifications exchanged at Washington, May 22, 1924*

The President of the United States of America;

And His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

Being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages;

<sup>1</sup> U. S. Treaty Series, No. 685.



Have decided to conclude a convention for that purpose;

And have appointed as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes,  
Secretary of State of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland  
and of the British Dominions beyond the Seas, Emperor of India: The  
Right Honorable Sir Auckland Campbell Geddes, G. C. M. G., K. C. B.,  
His Ambassador Extraordinary and Plenipotentiary to the United  
States of America;

Who, having communicated their full powers found in good and due form,  
have agreed as follows:

#### ARTICLE I

The high contracting parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters.

#### ARTICLE II

(1) His Britannic Majesty agrees that he will raise no objection to the boarding of private vessels under the British flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be instituted.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

## ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board British vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

## ARTICLE IV

Any claim by a British vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this treaty or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Claims Commission established under the provisions of the Agreement for the settlement of outstanding pecuniary claims signed at Washington the 18th August, 1910, but the claim shall not, before submission to the tribunal, require to be included in a schedule of claims confirmed in the manner therein provided.

## ARTICLE V

This treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the high contracting parties may give notice of its desire to propose modifications in the terms of the treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the treaty, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the treaty shall lapse.

## ARTICLE VI

In the event that either of the high contracting parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present treaty the said treaty shall automatically lapse, and, on such lapse or whenever this treaty shall cease to be in force, each high contracting party shall enjoy all the rights which it would have possessed had this treaty not been concluded.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the present convention in duplicate and have thereunto affixed their seals.

Done at the city of Washington this twenty-third day of January, in the year of our Lord one thousand nine hundred and twenty-four.

[SEAL] CHARLES EVANS HUGHES.

[SEAL] A. C. GEDDES.

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN  
WOMEN AND CHILDREN <sup>1</sup>

*Opened for signature at Geneva from September 30, 1921, to March 31, 1922* <sup>2</sup>

Albania, Germany, Austria, Belgium, Brazil, the British Empire (with Canada, the Commonwealth of Australia, the Union of South Africa, New Zealand and India), Chile, China, Colombia, Costa Rica, Cuba, Esthonia, Greece, Hungary, Italy, Japan, Latvia, Lithuania, Norway, the Netherlands, Persia, Poland (with Danzig), Portugal, Roumania, Siam, Sweden, Switzerland and Czecho-Slovakia.

Being anxious to secure more completely the suppression of the traffic in women and children described in the preambles to the agreement of the 18th May, 1904, and to the convention of the 4th May, 1910, under the name of "White Slave Traffic";

Having taken note of the recommendations contained in the Final Act of the international conference which was summoned by the Council of the League of Nations and met at Geneva from the 30th June to the 5th July, 1921; and

Having decided to conclude a convention supplementary to the arrangement and convention mentioned above:

Have nominated for this purpose as their plenipotentiaries:

The President of the Supreme Council of Albania: Monsignor Fan S. Noli,  
Member of Parliament, Delegate to the Second Assembly of the League of Nations.

<sup>1</sup> British Treaty Series No. 26 (1923), [Cmd. 1986].

<sup>2</sup> For ratifications and accessions, see note at end of treaty, p. 137.

The President of the German Reich: His Excellency Dr. Adolf Müller, Envoy Extraordinary and Minister Plenipotentiary in Berne.

The President of the Austrian Republic: His Excellency M. Albert Mensdorff-Pouilly-Dietrichstein, Former Ambassador, Delegate to the Second Assembly of the League of Nations.

His Majesty the King of the Belgians: M. Michel Levie, Minister of State, President of the International Conference on Traffic in Women and Children.

The President of the Republic of Brazil: His Excellency Dr. Gastão da Cunha, Ambassador in Paris, Delegate to the Second Assembly of the League of Nations.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Honorable Arthur James Balfour, O.M., M.P., Lord President of His Majesty's Most Honorable Privy Council, Delegate to the Second Assembly of the League of Nations.

For the Dominion of Canada: The Right Honorable Charles Joseph Doherty, Minister of Justice and Attorney-General, Delegate to the Second Assembly of the League of Nations.

For the Commonwealth of Australia: Captain Stanley Melbourne Bruce, M.C., Member of the House of Representatives, Delegate to the Second Assembly of the League of Nations.

For the Union of South Africa: The Honorable Sir Edgar Harris Walton, K.C.M.G., High Commissioner for the Union of South Africa in the United Kingdom, Delegate to the Second Assembly of the League of Nations.

For the Dominion of New Zealand: The Honorable Sir James Allen, K.C.B., High Commissioner for New Zealand in the United Kingdom, Delegate to the Second Assembly of the League of Nations.

For India: The Honorable Theo Russell, Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty in Berne.

The President of the Republic of Chile: His Excellency M. Agustin Edwards, Envoy Extraordinary and Minister Plenipotentiary at London, Delegate to the Second Assembly of the League of Nations; His Excellency M. Manuel Rivas Vicuña, Envoy Extraordinary and Minister Plenipotentiary in Berne, Delegate to the International Conference on Traffic in Women and Children and to the Second Assembly of the League of Nations.

The President of the Republic of China: His Excellency M. Ouang Yong-pao, Envoy Extraordinary and Minister Plenipotentiary in Berne.

The President of the Republic of Colombia: His Excellency Dr. Francisco José Urrutia, Envoy Extraordinary and Minister Plenipotentiary in Berne, Delegate to the Second Assembly of the League of Nations; His Excellency Dr. A. J. Restrepo, Barrister for the Republic in the Co-

lombo-Venezuelan arbitration, Delegate to the Second Assembly of the League of Nations.

The President of the Republic of Costa Rica: His Excellency M. Manuel Maria de Peralta, Envoy Extraordinary and Minister Plenipotentiary in Paris, Delegate to the Second Assembly of the League of Nations.

The President of the Republic of Cuba: His Excellency M. Guillermo de Blanck, Envoy Extraordinary and Minister Plenipotentiary in Berne and The Hague Delegate to the Second Assembly of the League of Nations.

The President of the Republic of Esthonia: His Excellency M. Antoine Piip, Minister for Foreign Affairs, Delegate to the Second Assembly of the League of Nations.

His Majesty the King of the Hellenes: M. Vassili Dendramis, Director of the Permanent Greek Secretariat for the League of Nations, Delegate to the International Conference on Traffic in Women and Children.

His Serene Highness the Governor of Hungary: M. Felix Parcher de Terjekfalva, Chargé d'Affaires in Berne.

His Majesty the King of Italy: His Excellency the Marquis G. Imperiali dei Principi di Francavilla, Ambassador, Delegate to the Second Assembly of the League of Nations.

His Majesty the Emperor of Japan: His Excellency M. le Baron G. Hayashi, Ambassador at London, Delegate to the Second Assembly of the League of Nations.

The President of the Republic of Latvia: M. M. V. Salnaïs, Under-Secretary of State for Foreign Affairs, Delegate to the Second Assembly of the League of Nations.

The President of the Lithuanian Republic: M. Ernest Galvanauskas, Minister for Finance, Commerce, Industry and Communications, Delegate to the Second Assembly of the League of Nations.

His Majesty the King of Norway: Dr. Fridtjof Nansen, President of the Norwegian Delegation to the Second Assembly of the League of Nations.

Her Majesty the Queen of the Netherlands: Jonkheer A. T. Baud, Attaché at the Netherlands Legation in Berne.

His Imperial Majesty the Shah of Persia: His Highness the Prince Arfa-ed-Dowleh, Delegate to the Second Assembly of the League of Nations.

The President of the Polish Republic: M. Jean Perłowski,\* Counsellor of Legation, Secretary-General of the Polish Delegation accredited to the League of Nations, Delegate to the International Conference on Traffic in Women and Children.

The President of the Portuguese Republic: His Excellency M. Alfredo Freire d'Andrade, Former Minister for Foreign Affairs, Delegate to the Second Assembly of the League of Nations.

\* M. Perłowski is authorized by the Polish Government to represent the Free City of Danzig.



His Majesty the King of Roumania: His Excellency M. E. Margaritescu Greciano, Minister Plenipotentiary and Roumanian Chargé d'Affaires in Berne, Delegate to the International Conference on Traffic in Women and Children.

His Majesty the King of Siam: His Highness the Prince Charoon, Envoy Extraordinary and Minister Plenipotentiary, Delegate to the International Conference on Traffic in Women and Children and to the Second Assembly of the League of Nations.

The Federal Council of the Swiss Confederation: M. Giuseppe Motta, Federal Councillor, Head of the Political Federal Department, Delegate to the Second Assembly of the League of Nations.

The President of the Czecho-Slovak Republic: His Excellency Dr. Robert Flieder, Envoy Extraordinary and Minister Plenipotentiary in Berne.

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions:

#### ARTICLE 1

The high contracting parties agree that, in the event of their not being already parties to the agreement of the 18th May, 1904, and the convention of the 4th May, 1910, mentioned above, they will transmit, with the least possible delay, their ratifications of, or adhesions to, those instruments in the manner laid down therein.

#### ARTICLE 2

The high contracting parties agree to take all measures to discover and prosecute persons who are engaged in the traffic in children of both sexes and who commit offences within the meaning of Article 1 of the convention of the 4th May, 1910.

#### ARTICLE 3

The high contracting parties agree to take the necessary steps to secure the punishment of attempts to commit, and, within legal limits, of acts preparatory to the commission of, the offences specified in Articles 1 and 2 of the convention of the 4th May, 1910.

#### ARTICLE 4

The high contracting parties agree that, in cases where there are no extradition conventions in force between them, they will take all measures within their power to extradite or provide for the extradition of persons accused or convicted of the offences specified in Articles 1 and 2 of the convention of the 4th May, 1910.

#### ARTICLE 5

In paragraph B of the final protocol of the convention of 1910, the words "twenty completed years of age" shall be replaced by the words "twenty-one completed years of age."

## ARTICLE 6

The high contracting parties agree, in case they have not already taken legislative or administrative measures regarding licensing and supervision of employment agencies and offices, to prescribe such regulations as are required to ensure the protection of women and children seeking employment in another country.

## ARTICLE 7

The high contracting parties undertake in connection with immigration and emigration to adopt such administrative and legislative measures as are required to check the traffic in women and children. In particular, they undertake to make such regulations as are required for the protection of women and children travelling on emigrant ships, not only at the points of departure and arrival, but also during the journey, and to arrange for the exhibition, in railway stations and in ports, of notices warning women and children of the danger of the traffic and indicating the places where they can obtain accommodation and assistance.

## ARTICLE 8

The present convention, of which the French and the English texts are both authentic, shall bear this day's date, and shall be open for signature until the 31st March, 1922.

## ARTICLE 9

The present convention is subject to ratification. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who will notify the receipt of them to the other members of the League and to states admitted to sign the convention. The instruments of ratification shall be deposited in the archives of the Secretariat.

In order to comply with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present convention upon the deposit of the first ratification.

## ARTICLE 10

Members of the League of Nations which have not signed the present convention before the 1st April, 1922, may accede to it.

The same applies to states not members of the League to which the Council of the League may decide officially to communicate the present convention.

Accession will be notified to the Secretary-General of the League, who will notify all Powers concerned of the accession and of the date on which it was notified.

## ARTICLE 11

The present convention shall come into force in respect of each party on the date of the deposit of its ratification or act of accession.

## ARTICLE 12

The present convention may be denounced by any member of the League or by any state which is a party thereto, on giving twelve months' notice of its intention to denounce. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations. Copies of such notification shall be transmitted forthwith by him to all other parties, notifying them of the date on which it was received.

The denunciation shall take effect one year after the date on which it was notified to the Secretary-General, and shall operate only in respect of the notifying Power.

## ARTICLE 13

A special record shall be kept by the Secretary-General of the League of Nations, showing which of the parties have signed, ratified, acceded to or denounced the present convention. This record shall be open to the members of the League at all times; it shall be published as often as possible, in accordance with the directions of the Council.

## ARTICLE 14

Any member or state signing the present convention may declare that the signature does not include any or all of its colonies, overseas possessions, protectorates or territories under its sovereignty or authority, and may subsequently adhere separately on behalf of any such colony, overseas possession, protectorate or territory so excluded in its declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory under its sovereignty or authority, and the provisions of Article 12 shall apply to any such denunciation.

Done at Geneva, the 30th day of September, 1921, in a single copy, which shall remain deposited in the archives of the League of Nations.

Union of South Africa:

E. H. WALTON.

Albania:

F. S. NOLI.

Germany:

Dr. ADOLF MÜLLER.

Australia:

S. M. BRUCE.

I hereby declare that my signature does not include Papua, Norfolk Island and the mandated territory of New Guinea.

Austria:

ALBERT MENSENDORFF.

Belgium:

MICHEL LEVIE.

Brazil:

GASTÃO DA CUNHA.

British Empire:

I hereby declare that my signature does not include the Island of Newfoundland, the British Colonies and Protectorates, the Island of Nauru, or any territories administered under mandates by Great Britain.

ARTHUR JAMES BALFOUR.

Canada:

CHARLES J. DOHERTY.

Chile:

AGUSTIN EDWARDS.

MANUEL RIVAS VICUÑA.

## China:

OUANG YONG-PAO.

## Colombia:

FRANCISCO JOSÉ URRUTIA.

A. J. RESTREPO.

Con reserva de la ulterior aprobación del  
Congreso de Colombia.

Subject to the subsequent approval of the  
Colombian Congress.\*

## Costa Rica:

MANUEL M. DE PERALTA.

## Cuba:

G. DE BLANCK.

## Esthonia:

ANT. PIIP.

## Greece:

VASSILI DENDRAMIS.

## Hungary:

FELIX PARCHER.

## India:

THEO RUSSELL.

I hereby declare that India reserves the  
right at its discretion to substitute the  
age of 16 years or any greater age that  
may be subsequently decided upon for  
the age limits prescribed in paragraph  
(b) of the final protocol of the Conven-  
tion of May 4, 1910, and in Article 5 of  
the present convention.

## Italy:

Fino a nuova dichiarazione del Governo  
del Re, dichiaro che la mia firma non  
impegna le Colonie italiane.

Pending a further declaration by the  
Government of the King, I declare that  
my signature does not bind the Italian  
Colonies.\*

IMPERIALI.

## Japan:

The undersigned delegate of Japan re-  
serves the right on behalf of his govern-  
ment to defer confirmation with regard  
to Article 5 of this convention, and de-  
clares that his signature does not in-

clude Chosen, Taiwan and the leased  
territory of Kwantung.

HAYASHI.

## Latvia:

M. V. SALNAIS.

## Lithuania:

GALVANAUSKAS.

## Norway:

FRIDTJOF NANSEN.

## The Netherlands:

A. T. BAUD.

## Persia:

PRINCE ARFA-ED-DOWLEH.

## Poland and Danzig:

PERLOWSKI.

## Portugal:

A. FREIRE D'ANDRADE.

## Roumania:

MARGARITESCO GRECIANO.

## Siam:

With reservation as to the age limit pre-  
scribed in paragraph (b) of the final  
protocol of the convention of 1910 and  
Article 5 of this convention, in so far as  
concerns the nationals of Siam.

CHAROON.

## Sweden:

ADLERCREUTZ.

Subject to ratification with the approval  
of the Riksdag.\*

## Switzerland:

MOTTA.

Subject to ratification by the Federal  
Assembly.\*

## Czechoslovakia:

Dr. ROBERT FLIEDER.

## New Zealand:

J. ALLEN.

I hereby declare that my signature does  
not include the mandated territory of  
Western Samoa.

J. A.

\* Translation by the Secretariat of the League of Nations.

## NOTE

*Ratifications deposited*

British Empire, Australia, Canada, South Africa, New Zealand, India . . . . .	June 28, 1922
Austria . . . . .	Aug. 9, 1922
Belgium . . . . .	June 15, 1922
Cuba . . . . .	May 7, 1923
Czechoslovakia . . . . .	Sept. 29, 1923
Greece . . . . .	April 9, 1923
Latvia . . . . .	Feb. 12, 1924
Netherlands . . . . .	Sept. 19, 1923
Norway . . . . .	Aug. 16, 1922
Portugal . . . . .	Dec. 1, 1923
Roumania . . . . .	Sept. 5, 1923
Siam . . . . .	July 13, 1922

*Accessions*

Bahamas, Barbados, British Honduras, Ceylon, Cyprus, Gibraltar, Grenada, Hong Kong, Kenya, Malta, Northern Rhodesia, Nyasaland, St. Lucia, St. Vincent, Seychelles, Southern Rhodesia, Straits Settlements, Trinidad.—September 23, 1922.

British Guiana, Fiji.—October 31, 1922.

Finland.—September 27, 1922.

Denmark.—March 12, 1923.

Leeward Islands, Jamaica, Mauritius.—March 7, 1924.

TREATY BETWEEN THE UNITED STATES AND LATVIA, PROVIDING FOR THE  
EXTRADITION OF FUGITIVES FROM JUSTICE<sup>1</sup>

*Signed at Riga, October 16, 1923; ratifications exchanged at Riga, March 1, 1924*

The United States of America and Latvia desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America: F. W. B. Coleman, Envoy Extraordinary and Minister Plenipotentiary of the United States at Riga; and

The President of the Republic of Latvia: Germain Albat, Minister Plenipotentiary, Secretary-General for Foreign Affairs;

Who, after having communicated to each other their respective full powers,

<sup>1</sup> U. S. Treaty Series, No. 677.



found to be in good and due form, have agreed upon and concluded the following articles:

#### ARTICLE I

It is agreed that the Government of the United States and the Government of Latvia shall, upon requisition duly made as herein provided, deliver up to justice any person, who may be charged with, or may have been convicted of, any of the crimes specified in Article II of the present treaty committed within the jurisdiction of one of the high contracting parties, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

#### ARTICLE II

Persons shall be delivered up according to the provisions of the present treaty, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter when voluntary, poisoning or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.
8. Crimes committed at sea:
  - (a) Piracy, as commonly known and defined by the law of nations, or by statute;
  - (b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;
  - (c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel;
  - (d) Assault on board ship upon the high seas with intent to do bodily harm.
9. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.
10. The act of breaking into and entering the offices of the Government

and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance and other companies, or other buildings not dwellings with intent to commit a felony therein.

11. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.

12. Forgery or the utterance of forged papers.

13. The forgery or falsification of the official acts of the Government or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.

14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local or municipal governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of state or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

15. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or Latvian equivalent.

16. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or Latvian equivalent.

17. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

18. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or Latvian equivalent.

19. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or Latvian equivalent.

20. Perjury or subornation of perjury.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or Latvian equivalent.

22. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

23. Wilful desertion of minor or dependent children.

24. Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact; provided such

participation be punishable by imprisonment by the laws of both the high contracting parties.

### ARTICLE III

The provisions of the present treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the high contracting parties in virtue of this treaty shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of a foreign state or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense was of a political character; or was an act connected with crimes or offenses of a political character.

### ARTICLE IV

No person shall be tried for any crime or offense other than that for which he was surrendered.

### ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the fugitive may be found, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

### ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

### ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received.

### ARTICLE VIII

Under the stipulations of this treaty, neither of the high contracting parties shall be bound to deliver up its own citizens.

## ARTICLE IX

The expense of arrest, detention, examination and transportation of the accused shall be paid by the government which has preferred the demand for extradition.

## ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the high contracting parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

## ARTICLE XI

The stipulations of the present treaty shall be applicable to all territory wherever situated, belonging to either of the high contracting parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the high contracting parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from territory included in the preceding paragraphs, other than Latvia or the United States, requisitions may be made by superior consular officers. It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify it to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

In case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of arrest in Latvia, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding government or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such con-

viction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

#### ARTICLE XII

In every case of a request made by either of the high contracting parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim whatever for compensation for any of the services so rendered shall be made against the government demanding the extradition; provided, however, that any officer or officers of the surrendering government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

#### ARTICLE XIII

The present treaty shall be ratified by the high contracting parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications which shall take place at Riga as soon as possible.

#### ARTICLE XIV

The present treaty shall remain in force for a period of ten years, and in case neither of the high contracting parties shall have given notice one year before the expiration of that period of its intention to terminate the treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the high contracting parties.

In witness whereof the above-named plenipotentiaries have signed the present treaty and have hereunto affixed their seals.

Done in duplicate at Riga this sixteenth day of October, nineteen hundred and twenty-three.

[SEAL] F. W. B. COLEMAN.

[SEAL] G. ALBAT.



CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED  
MEXICAN STATES <sup>1</sup>

*Signed at Mexico City, September 10, 1923; ratifications exchanged at Mexico City, February 19, 1924*

The United States of America and the United Mexican States, desiring to settle and adjust amicably claims arising from losses or damages suffered by American citizens through revolutionary acts within the period from November 20, 1910, to May 31, 1920, inclusive, have decided to enter into a convention for that purpose, and to this end have nominated as their plenipotentiaries:

The President of the United States: George F. Summerlin, Chargé d'Affaires ad interim of the United States of America in Mexico.

The President of the United Mexican States: Alberto J. Pani, Secretary of State for Foreign Affairs.

Who, after having communicated to each other their respective full powers found to be in due and proper form, have agreed upon the following articles:

## ARTICLE I

All claims against Mexico of citizens of the United States, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties during the revolutions and disturbed conditions which existed in Mexico, covering the period from November 20, 1910, to May 31, 1920, inclusive, including losses or damages suffered by citizens of the United States by reason of losses or damages suffered by any corporation, company, association or partnership in which citizens of the United States have or have had a substantial and bona fide interest, provided an allotment to the American claimant by the corporation, company, association or partnership of his proportion of the loss or damage is presented by the claimant to the Commission hereinafter referred to, and which claims have been presented to the United States for its interposition with Mexico, as well as any other such claims which may be presented within the time hereinafter specified, shall be submitted to a Commission consisting of three members.

Such Commission shall be constituted as follows: one member shall be appointed by the President of the United States; one by the President of the United Mexican States; and the third, who shall preside over the Commission, shall be selected by mutual agreement between the two governments. If the two governments shall not agree within two months from the exchange of ratifications of this convention in naming such third member, then he shall be designated by the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague described in Article 49 of the Convention for the Pacific Settlement of International Disputes con-

<sup>1</sup> U. S. Treaty Series, No. 676.

cluded at The Hague on October 18, 1907. In case of the death, absence or incapacity of any member of the Commission, or in the event of a member omitting or ceasing to act as such, the same procedure shall be followed for filling the vacancy as was followed in appointing him.

## ARTICLE II

The Commissioners so named shall meet at Mexico City within six months after the exchange of the ratifications of this convention, and each member of the Commission, before entering upon his duties, shall make and subscribe a solemn declaration stating that he will carefully and impartially examine and decide, according to the best of his judgment and in accordance with the principles of justice and equity, all claims presented for decision, and such declaration shall be entered upon the record of the proceedings of the Commission.

The Mexican Government desires that the claims shall be so decided because Mexico wishes that her responsibility shall not be fixed according to the generally accepted rules and principles of international law, but *ex gratia* feels morally bound to make full indemnification and agrees, therefore, that it will be sufficient that it be established that the alleged loss or damage in any case was sustained and was due to any of the causes enumerated in Article III hereof.

The Commission may fix the time and place of its subsequent meetings, as may be convenient, subject always to the special instructions of the two governments.

## ARTICLE III

The claims which the Commission shall examine and decide are those which arose during the revolutions and disturbed conditions which existed in Mexico covering the period from November 20, 1910, to May 31, 1920, inclusive, and were due to any act by the following forces:

- (1) By forces of a government *de jure* or *de facto*.
- (2) By revolutionary forces as a result of the triumph of whose cause governments *de facto* or *de jure* have been established, or by revolutionary forces opposed to them.
- (3) By forces arising from the disjunction of the forces mentioned in the next preceding paragraph up to the time when the government *de jure* established itself as a result of a particular revolution.
- (4) By federal forces that were disbanded, and
- (5) By mutinies or mobs, or insurrectionary forces other than those referred to under subdivisions (2), (3) and (4) above, or by bandits, provided in any case it be established that the appropriate authorities omitted to take reasonable measures to suppress insurrectionists, mobs or bandits, or treated them with lenity or were in fault in other particulars.

## ARTICLE IV

In general, the Commission shall adopt as the standard for its proceedings the rules of procedure established by the Mixed Claims Commission created under the Claims Convention between the two governments signed July 4, 1868, in so far as such rules are not in conflict with any provision of this convention. The Commission, however, shall have authority by the decision of the majority of its members to establish such other rules for its proceedings as may be deemed expedient and necessary, not in conflict with any of the provisions of this convention.

Each government may nominate and appoint agents and counsel who will be authorized to present to the Commission, orally or in writing, all the arguments deemed expedient in favor of or against any claim. The agents or counsel of either government may offer to the Commission any documents, affidavits, interrogatories or other evidence desired in favor of or against any claim and shall have the right to examine witnesses under oath or affirmation before the Commission, in accordance with such rules of procedure as the Commission shall adopt.

The decision of the majority of the members of the Commission shall be the decision of the Commission.

The language in which the proceedings shall be conducted and recorded shall be Spanish or English.

## ARTICLE V

The Commission shall keep an accurate record of the claims and cases submitted, and minutes of its proceedings with the dates thereof. To this end, each government may appoint a secretary; these secretaries shall act as joint secretaries of the Commission and shall be subject to its instructions. Each government may also appoint and employ any necessary assistant secretaries and such other assistance as deemed necessary. The Commission may also appoint and employ any persons necessary to assist in the performance of its duties.

## ARTICLE VI

Since the Mexican Government desires to arrive at an equitable settlement of the claims of the citizens of the United States and to grant them a just and adequate compensation for their losses or damages, the Mexican Government agrees that the Commission shall not disallow or reject any claim by the application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim.

## ARTICLE VII

Every claim shall be filed with the Commission within two years from the date of its first meeting, unless in any case reasons for the delay, satisfactory to the majority of the Commissioners, shall be established, and in any case

the period for filing the claim may be extended not to exceed six additional months.

The Commission shall be bound to hear, examine and decide within five years from the date of its first meeting, all the claims filed.

Four months after the date of the first meeting of the Commissioners, and every four months thereafter, the Commission shall submit to each government a report setting forth in detail its work to date, including a statement of the claims filed, claims heard and claims decided. The Commission shall be bound to decide any claim heard and examined within six months after the conclusion of the hearing of such claim and to record its decision.

#### ARTICLE VIII

The high contracting parties agree to consider the decision of the Commission as final and conclusive upon each claim decided, and to give full effect to such decisions. They further agree to consider the result of the proceedings of the Commission as a full, perfect and final settlement of every such claim upon the Mexican Government, arising from any of the causes set forth in Article III of this convention. And they further agree that every such claim, whether or not filed and presented to the notice of, made, preferred or submitted to such Commission shall from and after the conclusion of the proceedings of the Commission be considered and treated as fully settled, barred and thenceforth inadmissible, provided the claim filed has been heard and decided.

#### ARTICLE IX

The total amount awarded to claimants shall be paid in gold coin or its equivalent by the Mexican Government to the Government of the United States at Washington.

#### ARTICLE X

Each government shall pay its own Commissioner and bear its own expenses. The expenses of the Commission including the salary of the third Commissioner shall be defrayed in equal proportions by the two governments.

#### ARTICLE XI

The present convention shall be ratified by the high contracting parties in accordance with their respective Constitutions. Ratifications of this convention shall be exchanged in Mexico City as soon as practicable and the convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective plenipotentiaries have signed and affixed their seals to this convention.

Done in duplicate at Mexico City this tenth day of September, 1923.

[SEAL] GEORGE F. SUMMERLIN.

[SEAL] A. J. PANI.

GENERAL CLAIMS CONVENTION BETWEEN THE UNITED STATES OF AMERICA  
AND THE UNITED MEXICAN STATES <sup>1</sup>

*Signed at Washington, September 8, 1923; ratifications exchanged at Washington, March 1, 1924*

The United States of America and the United Mexican States, desiring to settle and adjust amicably claims by the citizens of each country against the other since the signing on July 4, 1868, of the Claims Convention entered into between the two countries (without including the claims for losses or damages growing out of the revolutionary disturbances in Mexico which form the basis of another and separate convention), have decided to enter into a convention with this object, and to this end have nominated as their plenipotentiaries:

The President of the United States of America: The Honorables Charles Evans Hughes, Secretary of State of the United States of America, Charles Beecher Warren and John Barton Payne, and

The President of the United Mexican States: Señor Don Manuel C. Téllez, Chargé d'Affaires ad interim of the United Mexican States at Washington;

Who, after having communicated to each other their respective full powers found to be in due and proper form, have agreed upon the following articles:

ARTICLE I

All claims (except those arising from acts incident to the recent revolutions) against Mexico of citizens of the United States, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties, and all claims against the United States of America by citizens of Mexico, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties; all claims for losses or damages suffered by citizens of either country by reason of losses or damages suffered by any corporation, company, association or partnership in which such citizens have or have had a substantial and bona fide interest, provided an allotment to the claimant by the corporation, company, association or partnership of his proportion of the loss or damage suffered is presented by the claimant to the Commission hereinafter referred to; and all claims for losses or damages originating from acts of officials or others acting for either government and resulting in injustice, and which claims may have been presented to either government for its interposition with the other since the signing of the Claims Convention concluded between the two countries July 4, 1868, and which have remained unsettled, as well as any other such claims which may be filed by either government within the time hereinafter specified, shall be submit-

<sup>1</sup> U. S. Treaty Series, No. 678.



ted to a Commission consisting of three members for decision in accordance with the principles of international law, justice and equity.

Such Commission shall be constituted as follows: one member shall be appointed by the President of the United States; one by the President of the United Mexican States; and the third, who shall preside over the Commission, shall be selected by mutual agreement between the two governments. If the two governments shall not agree within two months from the exchange of ratifications of this convention in naming such third member, then he shall be designated by the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague described in Article XLIX of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on October 18, 1907. In case of the death, absence or incapacity of any member of the Commission, or in the event of a member omitting or ceasing to act as such, the same procedure shall be followed for filling the vacancy as was followed in appointing him.

#### ARTICLE II

The Commissioners so named shall meet at Washington for organization within six months after the exchange of the ratifications of this convention, and each member of the Commission, before entering upon his duties, shall make and subscribe a solemn declaration stating that he will carefully and impartially examine and decide, according to the best of his judgment and in accordance with the principles of international law, justice and equity, all claims presented for decision, and such declaration shall be entered upon the record of the proceedings of the Commission.

The Commission may fix the time and place of its subsequent meetings, either in the United States or in Mexico, as may be convenient, subject always to the special instructions of the two governments.

#### ARTICLE III

In general, the Commission shall adopt as the standard for its proceedings the rules of procedure established by the Mixed Claims Commission created under the Claims Convention between the two governments signed July 4, 1868, in so far as such rules are not in conflict with any provision of this convention. The Commission, however, shall have authority by the decision of the majority of its members to establish such other rules for its proceedings as may be deemed expedient and necessary, not in conflict with any of the provisions of this convention.

Each government may nominate and appoint agents and counsel who will be authorized to present to the Commission, orally or in writing, all the arguments deemed expedient in favor of or against any claim. The agents or counsel of either government may offer to the Commission any documents, affidavits, interrogatories or other evidence desired in favor of or against any claim and shall have the right to examine witnesses under oath or affirmation

before the Commission, in accordance with such rules of procedure as the Commission shall adopt.

The decision of the majority of the members of the Commission shall be the decision of the Commission.

The language in which the proceedings shall be conducted and recorded shall be English or Spanish.

#### ARTICLE IV

The Commission shall keep an accurate record of the claims and cases submitted, and minutes of its proceedings with the dates thereof. To this end, each government may appoint a secretary; these secretaries shall act as joint secretaries of the Commission and shall be subject to its instructions. Each government may also appoint and employ any necessary assistant secretaries and such other assistance as deemed necessary. The Commission may also appoint and employ any persons necessary to assist in the performance of its duties.

#### ARTICLE V

The high contracting parties, being desirous of effecting an equitable settlement of the claims of their respective citizens thereby affording them just and adequate compensation for their losses or damages, agree that no claim shall be disallowed or rejected by the Commission by the application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim.

#### ARTICLE VI

Every such claim for loss or damage accruing prior to the signing of this convention, shall be filed with the Commission within one year from the date of its first meeting, unless in any case reasons for the delay, satisfactory to the majority of the Commissioners, shall be established, and in any such case the period for filing the claim may be extended not to exceed six additional months.

The Commission shall be bound to hear, examine and decide, within three years from the date of its first meeting, all the claims filed, except as hereinafter provided in Article VII.

Four months after the date of the first meeting of the Commissioners, and every four months thereafter, the Commission shall submit to each government a report setting forth in detail its work to date, including a statement of the claims filed, claims heard and claims decided. The Commission shall be bound to decide any claim heard and examined within six months after the conclusion of the hearing of such claim and to record its decision.

#### ARTICLE VII

The high contracting parties agree that any claim for loss or damage accruing after the signing of this convention, may be filed by either government

with the Commission at any time during the period fixed in Article VI for the duration of the Commission; and it is agreed between the two governments that should any such claim or claims be filed with the Commission prior to the termination of said Commission, and not be decided as specified in Article VI, the two governments will by agreement extend the time within which the Commission may hear, examine and decide such claim or claims so filed for such a period as may be required for the Commission to hear, examine and decide such claim or claims.

#### ARTICLE VIII

The high contracting parties agree to consider the decision of the Commission as final and conclusive upon each claim decided, and to give full effect to such decisions. They further agree to consider the result of the proceedings of the Commission as a full, perfect and final settlement of every such claim upon either government, for loss or damage sustained prior to the exchange of the ratifications of the present convention (except as to claims arising from revolutionary disturbances and referred to in the preamble hereof). And they further agree that every such claim, whether or not filed and presented to the notice of, made, preferred or submitted to such Commission shall from and after the conclusion of the proceedings of the Commission be considered and treated as fully settled, barred and thenceforth inadmissible, provided the claim filed has been heard and decided.

#### ARTICLE IX

The total amount awarded in all the cases decided in favor of the citizens of one country shall be deducted from the total amount awarded to the citizens of the other country and the balance shall be paid at Washington or at the City of Mexico, in gold coin or its equivalent to the government of the country in favor of whose citizens the greater amount may have been awarded.

In any case the Commission may decide that international law, justice and equity require that a property or right be restored to the claimant in addition to the amount awarded in any such case for all loss or damage sustained prior to the restitution. In any case where the Commission so decides the restitution of the property or right shall be made by the government affected after such decision has been made, as hereinbelow provided. The Commission, however, shall at the same time determine the value of the property or right decreed to be restored and the government affected may elect to pay the amount so fixed after the decision is made rather than to restore the property or right to the claimant.

In the event the government affected should elect to pay the amount fixed as the value of the property or right decreed to be restored, it is agreed that notice thereof will be filed with the Commission within thirty days after the decision and that the amount fixed as the value of the property or right shall

be paid immediately. Upon failure so to pay the amount the property or right shall be restored immediately.

#### ARTICLE X

Each government shall pay its own Commissioner and bear its own expenses. The expenses of the Commission including the salary of the third Commissioner shall be defrayed in equal proportions by the two governments.

#### ARTICLE XI

The present convention shall be ratified by the high contracting parties in accordance with their respective Constitutions. Ratifications of this convention shall be exchanged in Washington as soon as practicable and the convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective plenipotentiaries have signed and affixed their seals to this convention.

Done in duplicate at Washington this eighth day of September, 1923.

[SEAL] CHARLES EVANS HUGHES.

[SEAL] CHARLES BEECHER WARREN.

[SEAL] JOHN BARTON PAYNE.

[SEAL] MANUEL C. TÉLLEZ.

#### CONVENTION AND STATUTE ON THE RÉGIME OF NAVIGABLE WATERWAYS OF INTERNATIONAL CONCERN <sup>1</sup>

*Signed at Barcelona, April 20, 1921<sup>2</sup>*

Albania, Austria, Belgium, Bolivia, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cuba, Denmark, the British Empire (with New Zealand and India), Spain, Esthonia, Finland, France, Greece, Guatemala, Haiti, Honduras, Italy, Japan, Latvia, Lithuania, Luxemburg, Norway, Panama, Paraguay, the Netherlands, Persia, Poland, Portugal, Roumania, the Serb-Croat-Slovene State, Sweden, Switzerland, Czecho-Slovakia, Uruguay, and Venezuela:

Desirous of carrying further the development as regards the international régime of navigation on internal waterways, which began more than a century ago, and which has been solemnly affirmed in numerous treaties,

Considering that general conventions to which other Powers may accede at a later date constitute the best method of realizing the purpose of Article 23 (e) of the Covenant of the League of Nations,

Recognizing in particular that a fresh confirmation of the principle of freedom of navigation in a statute elaborated by forty-one states belonging to the different portions of the world constitutes a new and significant stage

<sup>1</sup> British Treaty Series, No. 28 (1923). [Cmd. 1993].

<sup>2</sup> For ratifications and accessions, see note at end of additional protocol, p. 166.

towards the establishment of coöperation among states without in any way prejudicing their rights of sovereignty or authority,

Having accepted the invitation of the League of Nations to take part in a conference at Barcelona which met on the 10th March 1921, and having taken note of the Final Act of such conference,

Anxious to bring into force forthwith the provisions of the Statute relating to the Régime of Navigable Waterways of International Concern which has there been adopted,

Wishing to conclude a convention for this purpose, the high contracting parties have appointed as their plenipotentiaries:

The President of the Supreme Council of Albania: Monsignor Fan S. Noli,  
Member of Parliament.

The President of the Republic of Austria: M. Henri Reinhardt, Ministerial  
Councillor.

His Majesty the King of the Belgians: M. Xavier Neujean, Minister for  
Railways, Marine, Posts and Telegraphs.

The President of the Republic of Bolivia: M. Trifon Melean, Bolivian  
Consul in Spain.

His Majesty the King of Bulgaria: M. Lubin Bochkoff, Civil Engineer,  
Assistant to the Director-General of Railways and Ports.

The President of the Republic of Chile: Señor Manuel Rivas Vicuña,  
Envoy Extraordinary and Minister Plenipotentiary.

The President of the Republic of China: M. Ouang Yong-Pao, Envoy  
Extraordinary and Minister Plenipotentiary.

His Majesty the King of Denmark and of Iceland: M. Peter Andreas  
Holck-Colding, Chef de Bureau in the Ministry of Public Works.

His Majesty the King of the United Kingdom of Great Britain and  
Ireland and of the British Dominions beyond the Seas, Emperor of  
India: Sir Hubert Llewellyn Smith, G.C.B., Economic Adviser to the  
Government;

and for the Dominion of New Zealand: Sir Hubert Llewellyn Smith,  
G. C. B.

for India: Sir Louis James Kershaw, K.C.S.I., C.I.E., Secretary in the  
Revenue and Statistics Department in the India Office.

His Majesty the King of Spain: Señor Don Emilio Ortuño y Berte,  
Member of the Chamber of Deputies, formerly Minister of Public  
Works.

The President of the Esthonian Republic: M. Charles Robert Pusta,  
Minister Plenipotentiary.

The President of the Republic of Finland: M. Rolf Thesleff, Envoy Extra-  
ordinary and Minister Plenipotentiary.

The President of the French Republic: M. Maurice Sibille, Deputy,  
Member of the Comité consultatif des Chemins de fer français.



His Majesty the King of the Hellenes: M. G. Caradja, Minister Plenipotentiary.

The President of the Republic of Guatemala: Dr. Norberto Galvez, Guatemalan Consul-General at Barcelona.

His Majesty the King of Italy: M. Paolo Bignami, Engineer, Member of the Chamber of Deputies, former Under-Secretary of State.

The President of the Lithuanian Republic: M. V. Sidzikauskas, Chargé d'Affaires at Berne.

Her Royal Highness the Grand-Duchess of Luxemburg: M. Antoine Lefort, Chargé d'Affaires at Berne.

His Majesty the King of Norway: Dr. Fridtjof Nansen, Professor in Christiania University.

The President of the Republic of Panama: Dr. Evenor Hazera, Consul-General for Panama in Spain, former Under-Secretary of State.

The President of the Polish Republic: M. Joseph Wielowieyski.

The President of the Portuguese Republic: M. Alfredo Freire d'Andrade, formerly Minister of Foreign Affairs.

His Majesty the King of Sweden: M. Fredrik V. Hansen, Director-General of Hydraulic Power and State Canals.

The President of the Czecho-Slovak Republic: M. Bohuslav Müller, Engineer, Secretary of State at the Ministry of Public Works, Envoy Extraordinary and Minister Plenipotentiary.

The President of the Oriental Republic of Uruguay: M. Benjamin Fernandez y Medina, Envoy Extraordinary and Minister Plenipotentiary to Spain;

Who, after communicating their full powers, found in good and due form, have agreed as follows:

#### ARTICLE 1

The high contracting parties declare that they accept the Statute on the Régime of Navigable Waterways of International Concern annexed hereto, adopted by the Barcelona Conference on the 19th April 1921.

This statute will be deemed to constitute an integral part of the present convention. Consequently, they hereby declare that they accept the obligations and undertakings of the said statute in conformity with the terms and in accordance with the conditions set out therein.

#### ARTICLE 2

The present convention does not in any way affect the rights and obligations arising out of the provisions of the Treaty of Peace signed at Versailles on the 28th June 1919, or out of the provisions of the other corresponding treaties, in so far as they concern the Powers which have signed, or which benefit by, such treaties.

## ARTICLE 3

The present convention, of which the French and English texts are both authentic, shall bear this day's date and shall be open for signature until the 1st December 1921.

## ARTICLE 4

The present convention is subject to ratification. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who will notify the receipt of them to the other members of the League and to states admitted to sign the convention. The instruments of ratification shall be deposited in the archives of the Secretariat.

In order to comply with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present convention upon the deposit of the first ratification.

## ARTICLE 5

Members of the League of Nations which have not signed the present convention before the 1st December 1921, may accede to it.

The same applies to states not members of the League to which the Council of the League may decide officially to communicate the present convention.

Accession will be notified to the Secretary-General of the League, who will inform all Powers concerned of the accession and of the date on which it was notified.

## ARTICLE 6

The present convention will not come into force until it has been ratified by five Powers. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the fifth ratification. Thereafter the present convention will take effect in the case of each party ninety days after the receipt of its ratification or of the notification of its accession.

Upon the coming into force of the present convention, the Secretary-General will address a certified copy of it to the Powers not members of the League which are bound under the treaties of peace to accede to it.

## ARTICLE 7

A special record shall be kept by the Secretary-General of the League of Nations, showing which of the parties have signed, ratified, acceded to or denounced the present convention. This record shall be open to the members of the League at all times; it shall be published as often as possible in accordance with the directions of the Council.

## ARTICLE 8

Subject to the provisions of Article 2 of the present convention, the latter may be denounced by any party thereto after the expiration of five years from the date when it came into force in respect of that party. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations. Copies of such notification shall be transmitted forthwith by him to all the other parties, informing them of the date on which it was received. The denunciation shall take effect one year after the date on which it was notified to the Secretary-General, and shall operate only in respect of the notifying Power. It shall not, in the absence of an agreement to the contrary, prejudice engagements entered into before the denunciation relating to a programme of works.

## ARTICLE 9

A request for the revision of the present convention may be made at any time by one-third of the high contracting parties.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done at Barcelona the twentieth day of April one thousand nine hundred and twenty-one, in a single copy which shall remain deposited in the archives of the League of Nations.

FAN S. NOLI.

REINHARDT.

XAVIER NEUJEAN.

TRIFON MELEAN.

L. BOCHKOFF.

MANUEL RIVAS VICUÑA.

OUANG YONG-PAO.

A. HOLCK-COLDING.

HUBERT LLEWELLYN SMITH.

Subject to the declaration inserted in the *procès-verbal* of the meeting of April 19th, 1921, as to the British Dominions which have not been represented at the Barcelona Conference.\*

H. LLEWELLYN SMITH.

L. J. KERSHAW.

E. ORTUÑO.

C. R. PUSTA.

ROLF THESLEFF.

MAURICE SIBILLE.

G. CARADJA.

N. GALVEZ S.

PAOLO BIGNAMI.

V. SIDZIKAUSKAS.

LEFORT.

FRIDTJOF NANSEN.

EVENOR HAZERA.

JOSEPH WIELOVIEYSKI.

A. FREIRE D'ANDRADE.

FREDRIK HANSEN.

ING. BOHUSLAV MÜLLER.

B. FERNANDEZ Y MEDINA.

\* The text of the declaration reads as follows:

"At the time of signing this convention, and as representative of the British Empire, I declare that my signature is not binding upon the British Dominions of Canada, Australia and South Africa, which are individual members of the League of Nations and have not sent representatives to this conference. The right of each of these three Dominions to sign the convention, or to accede to it at a later date, is reserved, it being understood that, if they do not sign or accede to it, they shall not be entitled to benefit by the convention.

*Statute on the Régime of Navigable Waterways of International Concern*

## ARTICLE 1

In the application of the statute, the following are declared to be navigable waterways of international concern:

1. All parts which are naturally navigable to and from the sea of a waterway which in its course, naturally navigable to and from the sea, separates or traverses different states, and also any part of any other waterway naturally navigable to and from the sea, which connects with the sea a waterway naturally navigable which separates or traverses different states.

It is understood that:

- (a) Transshipment from one vessel to another is not excluded by the words "navigable to and from the sea";
- (b) Any natural waterway or part of a natural waterway is termed "naturally navigable" if now used for ordinary commercial navigation, or capable by reason of its natural conditions of being so used; by "ordinary commercial navigation" is to be understood navigation which, in view of the economic condition of the riparian countries, is commercial and normally practicable;
- (c) Tributaries are to be considered as separate waterways;
- (d) Lateral canals constructed in order to remedy the defects of a waterway included in the above definition are assimilated thereto;
- (e) The different states separated or traversed by a navigable waterway of international concern, including its tributaries of international concern, are deemed to be "riparian states."

2. Waterways, or parts of waterways, whether natural or artificial, expressly declared to be placed under the régime of the general convention regarding navigable waterways of international concern either in unilateral acts of the states under whose sovereignty or authority these waterways or parts of waterways are situated, or in agreements made with the consent, in particular, of such states.

## ARTICLE 2

For the purpose of Articles 5, 10, 12 and 14 of this statute, the following shall form a special category of navigable waterways of international concern:

- (a) Navigable waterways for which there are international commissions upon which non-riparian states are represented;
- (b) Navigable waterways which may hereafter be placed in this category, either in pursuance of unilateral acts of the states under whose sovereignty or authority they are situated, or in pursuance of agreements made with the consent, in particular, of such states.

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"I also reserve the right to declare, at the time of ratification, whether the ratification includes the Dominion of Newfoundland. If it is not included in the ratification, the Dominion of Newfoundland will not be entitled to benefit by the convention."

## ARTICLE 3

Subject to the provisions contained in Articles 5 and 17, each of the contracting states shall accord free exercise of navigation to the vessels flying the flag of any one of the other contracting states on those parts of navigable waterways specified above which may be situated under its sovereignty or authority.

## ARTICLE 4

In the exercise of navigation referred to above, the nationals, property and flags of all contracting states shall be treated in all respects on a footing of perfect equality. No distinction shall be made between the nationals, the property and the flags of the different riparian states, including the riparian state exercising sovereignty or authority over the portion of the navigable waterway in question: similarly, no distinction shall be made between the nationals, the property and the flags of riparian and non-riparian states. It is understood, in consequence, that no exclusive right of navigation shall be accorded on such navigable waterways to companies or to private persons.

No distinction shall be made in the said exercise, by reason of the point of departure or of destination, or of the direction of the traffic.

## ARTICLE 5

As an exception to the two preceding articles, and in the absence of any convention or obligation to the contrary:

1. A riparian state has the right of reserving for its own flag the transport of passengers and goods loaded at one port situated under its sovereignty or authority and unloaded at another port also situated under its sovereignty or authority. A state which does not reserve the above-mentioned transport to its own flag may, nevertheless, refuse the benefit of equality of treatment with regard to such transport to a co-riparian which does reserve it.

On the navigable waterways referred to in Article 2, the act of navigation shall only allow to riparian states the right of reserving the local transport of passengers or of goods which are of national origin or are nationalized. In every case, however, in which greater freedom of navigation may have been already established, in a previous act of navigation, this freedom shall not be reduced.

2. When a natural system of navigable waterways of international concern which does not include waterways of the kind referred to in Article 2 separates or traverses two states only, the latter have the right to reserve to their flags by mutual agreement the transport of passengers and goods loaded at one port of this system and unloaded at another port of the same system, unless this transport takes place between two ports which are not situated under the sovereignty or authority of the same state in the course of a voyage, effected without transshipment on the territory of either of the said



states, involving a sea-passage or passage over a navigable waterway of international concern which does not belong to the said system.

#### ARTICLE 6

Each of the contracting states maintains its existing right, on the navigable waterways or parts of navigable waterways referred to in Article 1 and situated under its sovereignty or authority, to enact the stipulations and to take the measures necessary for policing the territory and for applying the laws and regulations relating to customs, public health, precautions against the diseases of animals and plants, emigration or immigration, and to the import or export of prohibited goods, it being understood that such stipulations and measures must be reasonable, must be applied on a footing of absolute equality between the nationals, property and flags of any one of the contracting states, including the state which is their author, and must not without good reason impede the freedom of navigation.

#### ARTICLE 7

No dues of any kind may be levied anywhere on the course or at the mouth of a navigable waterway of international concern, other than dues in the nature of payment for services rendered and intended solely to cover in an equitable manner the expenses of maintaining and improving the navigability of the waterways and its approaches, or to meet expenditure incurred in the interest of navigation. These dues shall be fixed in accordance with such expenses, and the tariff of dues shall be posted in the ports. These dues shall be levied in such a manner as to render unnecessary a detailed examination of the cargo, except in cases of suspected fraud or infringement of regulations, and so as to facilitate international traffic as much as possible, both as regards their rates and the method of their application.

#### ARTICLE 8

The transit of vessels and of passengers and goods on navigable waterways of international concern shall, so far as customs formalities are concerned, be governed by the conditions laid down in the Statute of Barcelona on Freedom of Transit. Whenever transit takes place without transshipment the following additional provisions shall be applicable:

- (a) When both banks of a waterway of international concern are within one and the same state, the customs formalities imposed on goods in transit after they have been declared and subjected to a summary inspection shall be limited to placing them under seal or padlock or in the custody of customs officers.
- (b) When a navigable waterway of international concern forms the frontier between two states, vessels, passengers and goods in transit shall while "en route" be exempt from any customs formality, except in cases in which there are valid reasons of a practical char-

acter for carrying out customs formalities at a place on the part of the river which forms the frontier, and this can be done without interfering with navigation facilities.

The transit of vessels and passengers, as well as the transit of goods without transshipment, on navigable waterways of international concern, must not give rise to the levying of any duties whatsoever, whether prohibited by the Statute of Barcelona on Freedom of Transit or authorized by Article 3 of that statute. It is nevertheless understood that vessels in transit may be made responsible for the board and lodging of any customs officers who are strictly required for supervision.

#### ARTICLE 9

Subject to the provisions of Articles 5 and 17, the nationals, property and flags of all the contracting states shall, in all ports situated on a navigable waterway of international concern, enjoy, in all that concerns the use of the port, including port dues and charges, a treatment equal to that accorded to the nationals, property and flag of the riparian state under whose sovereignty or authority the port is situated. It is understood that the property to which the present paragraph relates is property originating in, coming from or destined for, one or other of the contracting states.

The equipment of ports situated on a navigable waterway of international concern, and the facilities afforded in these ports to navigation, must not be withheld from public use to an extent beyond what is reasonable and fully compatible with the free exercise of navigation.

In the application of customs or other analogous duties, local octroi or consumption duties, or incidental charges, levied on the occasion of the importation or exportation of goods through the aforesaid ports, no difference shall be made by reason of the flag of the vessel on which the transport has been or is to be accomplished, whether this flag be the national flag or that of any of the contracting states.

The state under whose sovereignty or authority a port is situated may withdraw the benefits of the preceding paragraph from any vessel if it is proved that the owner of the vessel discriminates systematically against the nationals of that state, including companies controlled by such nationals.

In the absence of special circumstances justifying an exception on the ground of economic necessities, the customs duties must not be higher than those levied on the other customs frontiers of the state interested, on goods of the same kind, source and destination. All facilities accorded by the contracting states to the importation or exportation of goods by other land or water routes, or in other ports, shall be equally accorded to importation or exportation under the same conditions over the navigable waterway and through the ports referred to above.

## ARTICLE 10

1. Each riparian state is bound, on the one hand, to refrain from all measures likely to prejudice the navigability of the waterway, or to reduce the facilities for navigation, and on the other hand, to take as rapidly as possible all necessary steps for removing any obstacles and dangers which may occur to navigation.

2. If such navigation necessitates regular upkeep of the waterway, each of the riparian states is bound as towards the others to take such steps and to execute such works on its territory as are necessary for the purpose as quickly as possible, taking account at all times of the conditions of navigation, as well as of the economic state of the regions served by the navigable waterway.

In the absence of an agreement to the contrary, any riparian state will have the right, on valid reason being shown, to demand from the other riparians a reasonable contribution towards the cost of upkeep.

3. In the absence of legitimate grounds for opposition by one of the riparian states, including the state territorially interested based either on the actual conditions of navigability in its territory, or on other interests such as, *inter alia*, the maintenance of the normal-water conditions, requirements for irrigation, the use of water-power, or the necessity for constructing other and more advantageous ways of communication, a riparian state may not refuse to carry out works necessary for the improvement of the navigability which are asked for by another riparian state, if the latter state offers to pay the cost of the works and a fair share of the additional cost of upkeep. It is understood, however, that such works cannot be undertaken so long as the state on the territory of which they are to be carried out objects on the ground of vital interests.

4. In the absence of any agreement to the contrary, a state which is obliged to carry out works of upkeep is entitled to free itself from the obligation, if, with the consent of all the co-riparian states, one or more of them agree to carry out the works instead of it; as regards works for improvement, a state which is obliged to carry them out shall be freed from the obligation, if it authorizes the state which made the request to carry them out instead of it. The carrying out of works by states other than the state territorially interested, or the sharing by such states in the cost of works, shall be so arranged as not to prejudice the rights of the state territorially interested as regards the supervision and administrative control over the works, or its sovereignty and authority over the navigable waterway.

5. On the waterways referred to in Article 2, the provisions of the present article are to be applied subject to the terms of the treaties, conventions, or navigation acts which determine the powers and responsibilities of the International Commission in respect of works.

Subject to any special provisions in the said treaties, conventions, or navigation acts, which exist or may be concluded:

- (a) Decisions in regard to works will be made by the Commission.
- (b) The settlement, under the conditions laid down in Article 22 below, of any dispute which may arise as a result of these decisions, may always be demanded on the grounds that these decisions are *ultra vires*, or that they infringe international conventions governing navigable waterways. A request for a settlement under the afore-said conditions based on any other grounds can only be put forward by the State which is territorially interested.

The decisions of this Commission shall be in conformity with the provisions of the present article.

6. Notwithstanding the provisions of paragraph 1 of this article, a riparian state may, in the absence of any agreement to the contrary, close a waterway wholly or in part to navigation, with the consent of all the riparian states or of all the states represented on the International Commission in the case of navigable waterways referred to in Article 2.

As an exceptional case one of the riparian states of a navigable waterway of international concern not referred to in Article 2 may close the waterway to navigation, if the navigation on it is of very small importance, and if the state in question can justify its action on the ground of an economic interest clearly greater than that of navigation. In this case the closing to navigation may only take place after a year's notice and subject to an appeal on the part of any other riparian state under the conditions laid down in Article 22. If necessary, the judgment shall prescribe the conditions under which the closing to navigation may be carried into effect.

7. Should access to the sea be afforded by a navigable waterway of international interest through several branches, all of which are situated in the territory of one and the same state, the provisions of paragraphs 1, 2 and 3 of this article shall apply only to the principal branches deemed necessary for providing free access to the sea.

#### ARTICLE 11

If on a waterway of international concern one or more of the riparian states are not parties to this statute, the financial obligations undertaken by each of the contracting states in pursuance of Article 10 shall not exceed those to which they would have been subject if all the riparian states had been parties.

#### ARTICLE 12

In the absence of contrary stipulations contained in a special agreement or treaty, for example, existing conventions concerning customs and police measures and sanitary precautions, the administration of navigable waterways of international concern is exercised by each of the riparian states under whose sovereignty or authority the navigable waterway is situated. Each of such riparian states has, *inter alia*, the power and duty of publishing

regulations for the navigation of such waterway and of seeing to their execution. These regulations must be framed and applied in such a way as to facilitate the free exercise of navigation under the conditions laid down in this statute.

The rules of procedure dealing with such matters as ascertaining, prosecuting and punishing navigation offences must be such as to promote as speedy a settlement as possible.

Nevertheless the contracting states recognize that it is highly desirable that the riparian states should come to an understanding with regard to the administration of the navigable waterway and, in particular, with regard to the adoption of navigation regulations of as uniform a character throughout the whole course of such navigable waterway as the diversity of local circumstances permits.

Public services of towage or other means of haulage may be established in the form of monopolies for the purpose of facilitating the exercise of navigation, subject to the unanimous agreement of the riparian states or the states represented on the International Commission in the case of navigable waterways referred to in Article 2.

#### ARTICLE 13

Treaties, conventions or agreements in force relating to navigable waterways, concluded by the contracting states before the coming into force of this statute, are not, as a consequence of its coming into force, abrogated so far as concerns the states signatories to those treaties.

Nevertheless the contracting states undertake not to apply among themselves any provisions of such treaties, conventions or agreements which may conflict with the rules of the present statute.

#### ARTICLE 14

If any of the special agreements or treaties referred to in Article 12 has entrusted or shall hereafter entrust certain functions to an international commission which includes representatives of states other than the riparian states, it shall be the duty of such commission subject to the provisions of Article 10, to have exclusive regard to the interests of navigation, and it shall be deemed to be one of the organizations referred to in Article 24 of the Covenant of the League of Nations. Consequently, it will exchange all useful information directly with the League and its organizations, and will submit an annual report to the League.

The powers and duties of the commissions referred to in the preceding paragraph shall be laid down in the act of navigation of each navigable waterway and shall at least include the following:

- (a) the commission shall be entitled to draw up such navigation regulations as it thinks necessary itself to draw up, and all other navigation regulations shall be communicated to it;



- (b) it shall indicate to the riparian states the action advisable for the upkeep of works and the maintenance of navigability;
- (c) it shall be furnished by each of the riparian states with official information as to all schemes for the improvement of the waterway;
- (d) it shall be entitled, in cases in which the act of navigation does not include a special regulation with regard to the levying of dues, to approve of the levying of such dues and charges in accordance with the provisions of Article 7 of this statute.

#### ARTICLE 15

This statute does not prescribe the rights and duties of belligerents and neutrals in time of war. The statute shall, however, continue in force in time of war so far as such rights and duties permit.

#### ARTICLE 16

This statute does not impose upon a contracting state any obligation conflicting with its rights and duties as a member of the League of Nations.

#### ARTICLE 17

In the absence of any agreement to the contrary to which the state territorially interested is or may be a party, this statute has no reference to the navigation of vessels of war or of vessels performing police or administrative functions, or, in general, exercising any kind of public authority.

#### ARTICLE 18

Each of the contracting states undertakes not to grant either by agreement or in any other way, to a non-contracting state, treatment with regard to navigation over a navigable waterway of international concern which, as between contracting states, would be contrary to the provisions of this statute.

#### ARTICLE 19

The measures of a general or particular character which a contracting state is obliged to take in case of an emergency affecting the safety of the state or the vital interests of the country may, in exceptional cases and for a period as short as possible, involve a deviation from the provisions of the above articles; it being understood that the principle of the freedom of navigation and especially communication between the riparian states and the sea, must be maintained to the utmost possible extent.

#### ARTICLE 20

This statute does not entail in any way the withdrawal of existing greater facilities granted to the free exercise of navigation on any navigable waterway of international concern, under conditions consistent with the principle of

equality laid down in this statute, as regards the nationals, the goods and the flags of all the contracting states; nor does it entail the prohibition of such grant of greater facilities in the future.

#### ARTICLE 21

In conformity with Article 23 (e) of the Covenant of the League of Nations, any contracting state which can establish a good case against the application of any provision of this statute in some or all of its territory on the ground of the grave economic situation arising out of the acts of devastation perpetrated on its soil during the war 1914-1918, shall be deemed to be relieved temporarily of the obligations arising from the application of such provision, it being understood that the principle of freedom of navigation must be observed as far as possible.

#### ARTICLE 22

Without prejudice to the provisions of paragraph 5 of Article 10, any dispute between states as to the interpretation or application of this statute which is not settled directly between them shall be brought before the Permanent Court of International Justice, unless under a special agreement or a general arbitration provision steps are taken for the settlement of the dispute by arbitration or some other means.

Proceedings are opened in the manner laid down in Article 40 of the Statute of the Permanent Court of International Justice.

In order to settle such disputes, however, in a friendly way as far as possible, the contracting states undertake before resorting to any judicial proceedings and without prejudice to the powers and right of action of the Council and of the Assembly to submit such disputes for an opinion to any body established by the League of Nations as the advisory and technical organization of the members of the League in matters of communications and transit. In urgent cases a preliminary opinion may recommend temporary measures intended in particular to restore the facilities for free navigation which existed before the act or occurrence which gave rise to the dispute.

#### ARTICLE 23

A navigable waterway shall not be considered as of international concern on the sole ground that it traverses or delimits zones or enclaves, the extent and population of which are small as compared with those of the territories which it traverses, and which form detached portions or establishments belonging to a state other than that to which the said river belongs, with this exception, throughout its navigable course.

#### ARTICLE 24

This statute shall not be applicable to a navigable waterway of international concern which has only two riparian states and which separates, for a

considerable distance, a contracting state from a non-contracting state whose government is not recognized by the former at the time of the signing of this statute, until an agreement has been concluded between them establishing, for the waterway in question, an administrative and customs régime which affords suitable safeguards to the contracting state.

#### ARTICLE 25

It is understood that this statute must not be interpreted as regulating in any way rights and obligations *inter se* of territories forming part, or placed under the protection, of the same sovereign state, whether or not these territories are individually members of the League of Nations.

#### *Additional Protocol to the Convention on the Régime of Navigable Waterways of International Concern*

*Barcelona, April 20, 1921*

1. The states signatories of the convention on the Régime of Navigable Waterways of International Concern, signed at Barcelona on the 20th April, 1921, whose duly authorized representatives have affixed their signatures to the present protocol, hereby declare that, in addition to the freedom of communications which they have conceded by virtue of the Convention on Navigable Waterways considered as of international concern, they further concede, on condition of reciprocity, without prejudice to their rights of sovereignty, and in time of peace,

(a) on all navigable waterways,

(b) on all naturally navigable waterways,

which are placed under their sovereignty or authority, and which, not being considered as of international concern, are accessible to ordinary commercial navigation to and from the sea, and also in all the ports situated on these waterways, perfect equality of treatment for the flags of any state signatory of this protocol as regards the transport of imports and exports without transshipment.

At the time of signing, the signatory states must declare whether they accept the obligation to the full extent indicated under paragraph (a) above, or only to the more limited extent defined by paragraph (b).

It is understood that states which have accepted paragraph (a) are not bound as regards those which have accepted paragraph (b), except under the conditions resulting from the latter paragraph.

It is also understood that those states which possess a large number of ports (situated on navigable waterways) which have hitherto remained closed to international commerce, may, at the time of the signing of the present protocol, exclude from its application one or more of the navigable waterways referred to above.

The signatory states may declare that their acceptance of the present pro-

protocol does not include any or all of the colonies, overseas possessions or protectorates under their sovereignty or authority, and they may subsequently adhere separately on behalf of any colony, overseas possession or protectorate so excluded in their declaration. They may also denounce the protocol separately in accordance with its provisions in respect of any colony, overseas possession or protectorate under their sovereignty or authority.

The present protocol shall be ratified. Each Power shall send its ratification to the Secretary-General of the League of Nations, who shall cause notice of such ratification to be given to all the other signatory Powers; these ratifications shall be deposited in the archives of the Secretariat of the League of Nations.

The present protocol shall remain open for the signature or adherence of the states which have signed the above-mentioned convention or have given their adherence to it.

It shall come into force after the Secretary-General of the League of Nations has received the ratification of two states; provided, however, that the said convention has come into force by that time.

It may be denounced at any time after the expiration of a period of two years dating from the time of the reception by the Secretary-General of the League of Nations of the ratification of the denouncing state. The denunciation shall not take effect until one year after it has been received by the Secretary-General of the League of Nations. A denunciation of the Convention on the Régime of Navigable Waterways of International Concern shall be considered as including a denunciation of the present protocol.

#### NOTE

##### *Ratifications deposited*

British Empire* . . . . .	} Aug. 2, 1922
New Zealand . . . . .	
India . . . . .	
Albania . . . . .	Oct. 18, 1921
Bulgaria . . . . .	July 11, 1922
Denmark . . . . .	Nov. 13, 1922
Finland . . . . .	Jan. 29, 1923
Italy . . . . .	Aug. 5, 1922
Norway . . . . .	Sept. 4, 1923

\* Deemed to apply to Newfoundland, but not to Canada, South Africa or Australia.

##### *Accessions*

(To the full extent indicated in paragraph (a) of the Additional Protocol.)

Newfoundland, Bahamas, Barbados, British Guiana, Jamaica (including Turks and Caicos Islands and Cayman Islands), Leeward Islands, Trinidad and Tobago, Windward Islands (Grenada, St. Lucia, St. Vincent), Gibraltar, Malta, Cyprus, Gambia Colony and Protectorate, Sierra Leone Colony and

Protectorate, Nigeria Colony and Protectorate, Gold Coast, Ashanti and Northern Territories of the Gold Coast, Kenya Colony and Protectorate, Uganda Protectorate, Zanzibar, St. Helena, Ceylon, Mauritius, Seychelles, Hong Kong, Straits Settlements, Fiji, Gilbert and Ellice Islands, British Solomon Island, Tonga Islands.—August 2, 1922.

Federated Malay States and Unfederated Malay States.—September 2, 1923.

Siam.—Nov. 29, 1923.

(To the limited extent defined by paragraph (b) of the Additional Protocol.)

Nyasaland Protectorate and Tanganyika Territory.—August 2, 1922.

Roumania.—June 19, 1923.

Palestine \* (territory under British mandate).—Jan. 24, 1924.

DECLARATION RECOGNIZING THE RIGHT TO A FLAG OF STATES HAVING NO  
SEA COAST<sup>1</sup>

*Signed at Barcelona, April 20, 1921<sup>2</sup>*

The undersigned, duly authorized for the purpose, declare that the states which they represent recognize the flag flown by the vessels of any state having no sea-coast which are registered at some one specified place situated in its territory; such place shall serve as the port of registry of such vessels.

Barcelona, the 20th April, 1921, done in a single copy of which the English and French texts shall be authentic.

B. FERNÁNDEZ Y MEDINA	(Uruguay)
P. SCASSI	(Greece)
MOTTA	(Switzerland)
EVENOR HAZERA	(Panama)
TRIFON MELEAN	(Bolivia)
GERMAIN ALBAT	(Latvia)
N. GÁLVEZ S	(Guatemala)
JOSEPH WIELOVIEYSKI	(Poland)
LUBIN BOCHKOFF	(Bulgaria)
REINHARDT	(Austria)
FREDRIK HANSEN	(Sweden)
XAVIER NEUJEAN	(Belgium)
MAURICE SIBILLE	(France)
OUANG YONG-PAO	(China)
VAN PANHUYS	(Netherlands)
E. ORTUÑO	(Spain)

\* Information not available as to whether accession is under paragraph (a) or (b) of the Additional Protocol.—Ed.

<sup>1</sup> British Treaty Series No. 29 (1923), [Cmd. 1994].

<sup>2</sup> For ratifications and accessions, see note at end of declaration, p. 168.



V. SIDZIKAUSKAS	(Lithuania)
HUSSEIN KHAN ALAI.	(Persia)
A. HOLCK-COLDING	(Denmark)
MANUEL RIVAS VICUÑA	(Chile)
PAOLO BIGNAMI	(Italy)
A. FREIRE D'ANDRADE	(Portugal)
A. TRESIC PAVICIC	(Serb-Croat-Slovene Kingdom)
ING. BOHUSLAV MÜLLER	(Czechoslovakian Republic)
FRIDTJOF NANSEN	(Norway)
H. LLEWELLYN SMITH	(British Empire)

Subject to the declaration inserted in the *procès-verbal* of the meeting of the 19th April, 1921, as to the British Dominions which have not been represented at the Barcelona Conference.—H. Ll. S.\*

H. LLEWELLYN SMITH	(New Zealand)
L. J. KERSHAW	(India)
C. R. PUSTA	(Esthonia)
FAN S. NOLI	(Albania)
M. MATSUDA	(Japan)

#### NOTE

##### *Ratifications deposited*

British Empire.....	} Oct. 9, 1922
New Zealand.....	
India.....	
Albania.....	Oct. 18, 1921
Bulgaria.....	July 11, 1922
Denmark.....	Nov. 13, 1922
Norway.....	Sept. 4, 1923

##### *Accessions*

Finland.....	Sept. 22, 1922
Canada.....	} Oct. 31, 1922
Australia.....	
South Africa.....	

\* The text of the declaration reads as follows:—

"At the time of signing this convention, and as representative of the British Empire, I declare that my signature is not binding upon the British Dominions of Canada, Australia and South Africa, which are individual members of the League of Nations and have not sent representatives to this conference. The right of each of these three Dominions to sign the convention, or to accede to it at a later date, is reserved, it being understood that, if they do not sign or accede to it, they shall not be entitled to benefit by the convention.

"I also reserve the right to declare, at the time of ratification, whether the ratification includes the Dominion of Newfoundland. If it is not included in the ratification, the Dominion of Newfoundland will not be entitled to benefit by the convention."

TREATY BETWEEN THE UNITED STATES OF AMERICA AND SIAM PROVIDING  
FOR THE EXTRADITION OF FUGITIVES FROM JUSTICE<sup>1</sup>

*Signed at Bangkok, December 30, 1922; ratifications exchanged at Bangkok,  
March 24, 1924*

The United States of America and Siam, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, between the two countries, and have appointed for that purpose the following plenipotentiaries:

The President: Edward E. Brodie, Envoy Extraordinary and Minister Plenipotentiary of the United States to Siam, and

His Majesty the King: His Royal Highness Prince Devawongse Varopakara, Minister for Foreign Affairs,

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

It is agreed that the Government of the United States and the Government of Siam shall, upon requisition duly made as herein provided, deliver up to justice any person, over whom they respectively exercise jurisdiction who may be charged with, or may have been convicted of, any of the crimes specified in Article II of the present treaty committed within the jurisdiction of one of the high contracting parties, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II

Persons shall be delivered up according to the provisions of the present treaty, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter, when voluntary, poisoning, or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Wilful and unlawful destruction or obstruction of railroads which endangers human life.

<sup>1</sup> U. S. Treaty Series, No. 681.

## 8. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations, or by statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ship upon the high seas with intent to do bodily harm.

9. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.

10. The act of breaking into and entering the offices of the government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance and other companies, or other buildings not dwellings with intent to commit a felony therein.

11. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.

12. Forgery or the utterance of forged papers.

13. The forgery or falsification of the official acts of the government or public authority, including courts of justice, or the uttering of fraudulent use of any of the same.

14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local or municipal governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of state or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

15. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or Siamese equivalent.

16. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or Siamese equivalent.

17. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families, or any other person or persons, or for any other unlawful end.

18. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or Siamese equivalent.

19. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing

the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or Siamese equivalent.

20. Perjury or subornation of perjury.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or Siamese equivalent.

22. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

23. Wilful desertion or wilful non-support of minor or dependent children.

24. Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact; provided such participation be punishable by imprisonment by the laws of both the high contracting parties.

#### ARTICLE III

The provisions of the present treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the high contracting parties in virtue of this treaty shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of a foreign state or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense was of a political character; or was an act connected with crimes or offenses of a political character.

#### ARTICLE IV

No person shall be tried for any crime or offense other than that for which he was surrendered.

#### ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

#### ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until

such proceedings be determined, and until he shall have been set at liberty in due course of law.

#### ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received.

#### ARTICLE VIII

Under the stipulations of this treaty, neither of the high contracting parties shall be bound to deliver up its own citizens.

#### ARTICLE IX

The expense of arrest, detention, examination and transportation of the accused shall be paid by the government which has preferred the demand for extradition.

#### ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the high contracting parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to shall be duly respected.

#### ARTICLE XI

The stipulations of the present treaty shall be applicable to all territory wherever situated, belonging to either of the high contracting parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the high contracting parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from territory included in the preceding paragraphs, other than the United States or Siam, requisitions may be made by superior consular officers. It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or



magistrate to certify it to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

In case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of arrest in Siam, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding government or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

#### ARTICLE XII

In every case of a request made by either of the high contracting parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim whatever for compensation for any of the services so rendered shall be made against the government demanding the extradition; provided, however, that any officer or officers of the surrendering government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

#### ARTICLE XIII

The present treaty shall be ratified by the high contracting parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications which shall take place at Bangkok as soon as possible.

#### ARTICLE XIV

The present treaty shall remain in force for a period of ten years, and in case neither of the high contracting parties shall have given notice one year before the expiration of that period of its intention to terminate the treaty,

it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the high contracting parties.

In witness whereof the above named plenipotentiaries have signed the present treaty and have hereunto affixed their seals.

Done in duplicate at Bangkok this thirtieth day of December, nineteen hundred and twenty-two.

[SEAL] EDWARD E. BRODIE.

[SEAL] DEVAWONGSE.

TREATY AND ADDITIONAL ARTICLE BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF VENEZUELA PROVIDING FOR THE EXTRADITION OF FUGITIVES FROM JUSTICE<sup>1</sup>

*Signed at Caracas, January 19 and 21, 1922; ratifications exchanged at Caracas, April 14, 1923*

The United States of America and the United States of Venezuela, desiring to strengthen their reciprocal relations, to facilitate the course of punitive justice and to limit the crimes which may be committed in their respective territories; to prevent the impunity which would result from the escape of guilty persons and of their asylum in the territory of one or the other nation, have resolved to conclude a treaty for the extradition of the accused as well as of those who have been sentenced, and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America, John Campbell White, Chargé d'Affaires ad interim of the United States of America to Venezuela, and

The Provisional President of the United States of Venezuela, Doctor Pedro Itriago Chacín, Minister of Foreign Affairs of the United States of Venezuela;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

The Government of the United States of America and the Government of the United States of Venezuela agree to deliver up to justice, by means of requisition duly made as herein provided, any person who may be charged with or may have been convicted of any of the crimes committed within the jurisdiction of one of the contracting parties and specified in Article II of this convention, while said person was actually within such jurisdiction when the crime was committed, and who shall seek an asylum or who shall be found within the territories of the other. Such surrender shall take place only upon

<sup>1</sup> U. S. Treaty Series, No. 675.

such evidence of guilt as, according to the laws of the country in which the fugitive or accused shall be found, would justify his detention and commitment for trial if the crime or offense had been committed there.

## ARTICLE II

In accordance with the provisions of this convention, the persons shall be delivered who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter, when voluntary; poisoning or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Bigamy.
5. Arson.
6. Willful and unlawful destruction or obstruction of railroads, which endangers human life.
7. Crimes committed at sea:
  - (a) Piracy, as commonly known and defined by the law of nations, or by statute;
  - (b) Wrongfully sinking or destroying a vessel at sea or attempting to do so.
  - (c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel or by fraud or violence taking possession of such vessel;
  - (d) Assault on board ships upon the high seas with intent to do bodily harm.
8. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.
9. The act of breaking into and entering into the offices of the government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.
10. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or by putting him in fear.
11. Forgery or the utterance of forged papers, or illegal sale of documents belonging to the national archives.
12. The forgery or falsification of the official acts of the government or public authority, including courts of justice, or the uttering or fraudulent use of the same.
13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local or municipal governments, banknotes or other instruments

of public credit, counterfeit seals, stamps, dies and marks of state or public administrations, and the utterance, circulation, or fraudulent use of the above mentioned objects.

14. Embezzlement or criminal malversation committed within the jurisdiction of one of the parties by public officers or depositaries, where the amount embezzled exceeds 200 dollars in the United States of America or B. 1.000 in the United States of Venezuela.

15. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds 200 dollars in the United States of America or B. 1.000 in the United States of Venezuela.

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of 50 dollars or B. 250 or more, accordingly.

18. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds 200 dollars in the United States of America or B. 1.000 in the United States of Venezuela.

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director, or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds 200 dollars in the United States of America or B. 1.000 in the United States of Venezuela.

21. The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both contracting parties.

### ARTICLE III

The provisions of this convention shall not import claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the contracting parties in virtue of this convention shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of a foreign state or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

## ARTICLE IV

In view of the abolition of capital punishment and of imprisonment for life by constitutional provision in Venezuela, the contracting parties reserve the right to decline to grant extradition for crimes punishable by death and life imprisonment. Nevertheless, the executive authority of each of the contracting parties shall have the power to grant extradition for such crimes upon the receipt of satisfactory assurances that in case of conviction the death penalty or imprisonment for life will not be inflicted.

## ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the country within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

## ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof shall be at the time of the request for the extradition under prosecution, either at liberty out on bail or in custody, for any crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

## ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received.

## ARTICLE VIII

Under the stipulations of this convention, neither of the contracting parties shall be bound to deliver up its own citizens.

## ARTICLE IX

The expense of the arrest, detention, examination, and transportation of the accused shall be paid by the government which has preferred the demand for extradition.

## ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall, so far as practicable according to the laws of either of the contracting parties be delivered up



with his person at the time of the surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid shall be duly respected.

#### ARTICLE XI

The stipulations of this convention shall be applicable to all territories wherever situated, belonging to either of the contracting parties or under the jurisdiction or control of either of them.

Applications for the surrender of fugitives shall be made by the respective diplomatic agents of the contracting parties. In case of the absence of such agents from the country or its seat of government, or where extradition is sought from territory included in the preceding paragraph other than the United States, application may be made by superior consular officers.

It shall be competent for such diplomatic or superior consular officers to ask and obtain the preliminary arrest of the person whose surrender is requested, before the government of whom such request is made. The judicial functionaries shall prescribe the method of complying with the legal formalities of the country of which the extradition is requested.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

#### ARTICLE XII

If when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as provided in Article XI hereof, and been brought before a judge or a magistrate to the end that the evidence of his or her guilt may be heard and examined as hereinbefore provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the government asking for the extradition, it shall be competent to hold the accused for a period not exceeding two months, so that the demanding government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if at the expiration of said period of two months such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released, provided that the examination of the charges preferred against such accused person shall not be actually going on.

#### ARTICLE XIII

In every case of a request made by either of the two contracting parties for the arrest, detention or extradition of fugitive criminals, the legal officers or

fiscal ministry of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatsoever for compensation for any of the services so rendered shall be made against the government demanding the extradition, provided, however, that any officer or officers of the surrendering government so giving assistance who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

#### ARTICLE XIV

No person shall be tried for any crime or offense other than that for which he was surrendered.

#### ARTICLE XV

This convention shall take effect from the day of the exchange of the ratifications thereof; but either contracting party may at any time terminate the same on giving to the other six months' notice of its intention to do so.

The ratifications of the present convention shall be exchanged at Caracas as soon as possible.

In witness whereof the respective plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate, in Caracas, this nineteenth day of January one thousand nine hundred and twenty-two.

[SEAL] JOHN CAMPBELL WHITE.

[SEAL] P. ITRIAGO CHACÍN.

The undersigned, John Campbell White, Chargé d'Affaires ad interim of The United States of America to Venezuela, and Dr. Pedro Itriago Chacín, Minister of Foreign Affairs of The United States of Venezuela, have agreed upon the following additional article to the treaty of extradition signed by the aforesaid on the nineteenth instant:

It is agreed that all differences between the contracting parties relating to the interpretation or execution of this treaty shall be decided by arbitration.

In witness whereof they have signed the above article, and have hereunto affixed their seals.

Done in duplicate, in Caracas, this twenty first day of January one thousand nine hundred and twenty-two.

[SEAL] JOHN CAMPBELL WHITE.

[SEAL] P. ITRIAGO CHACÍN.



## OFFICIAL DOCUMENTS

### EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND BULGARIA<sup>1</sup>

*Signed at Sofia, May 19, 1924; ratifications exchanged at Sofia, June 24, 1924*

The United States of America and Bulgaria desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America,  
Charles S. Wilson, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Bulgaria, and

His Majesty, the King of the Bulgarians,

Christo Kaloff, Minister for Foreign Affairs and Worship of Bulgaria.

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

#### ARTICLE I

It is agreed that the Government of the United States and the Government of Bulgaria shall, upon requisition duly made as herein provided, deliver up to justice any person, who may be charged with, or may have been convicted of, any of the crimes specified in Article II of the present treaty committed within the jurisdiction of one of the high contracting parties, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

#### ARTICLE II

Persons shall be delivered up according to the provisions of the present treaty, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms paricide, assassination, manslaughter when voluntary, poisoning or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.

<sup>1</sup> U. S. Treaty Series, No. 687.

4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.
8. Crimes committed at sea:
  - (a) Piracy, as commonly known and defined by the law of nations, or by statute;
  - (b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;
  - (c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel;
  - (d) Assault on board ship upon the high seas with intent to do bodily harm.
9. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.
10. The act of breaking into and entering the offices of the government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance and other companies, or other buildings not dwellings with intent to commit a felony therein.
11. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.
12. Forgery or the utterance of forged papers.
13. The forgery or falsification of the official acts of the government or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.
14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local or municipal governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.
15. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds one hundred dollars or Bulgarian equivalent
16. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment, by the laws of both countries, and where the amount embezzled exceeds one hundred dollars or Bulgarian equivalent.
17. Kidnapping of minors or adults, defined to be the abduction or deten-



tion of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

18. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or Bulgarian equivalent.

19. Obtaining money, valuable securities or other property, by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds one hundred dollars or Bulgarian equivalent.

20. Perjury or subornation of perjury.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds one hundred dollars or Bulgarian equivalent.

22. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

23. Wilful desertion or wilful non-support of minor or dependent children.

24. Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact; provided such participation be punishable by imprisonment by the laws of both the high contracting parties.

### ARTICLE III

The provisions of the present treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the high contracting parties in virtue of this treaty shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of a foreign state or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense was of a political character; or was an act connected with crimes or offenses of a political character.

### ARTICLE IV

No person shall be tried for any crime or offense other than that for which he was surrendered.

### ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal

is exempt from prosecution or punishment for the offense for which the surrender is asked.

#### ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

#### ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received.

#### ARTICLE VIII

Under the stipulations of this treaty, neither of the high contracting parties shall be bound to deliver up its own citizens.

#### ARTICLE IX

The expense of arrest, detention, examination and transportation of the accused shall be paid by the government which has preferred the demand for extradition.

#### ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the high contracting parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

#### ARTICLE XI

The stipulations of the present treaty shall be applicable to all territory wherever situated, belonging to either of the high contracting parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the high contracting parties. In the event of the absence of such agent from the country or its seat of government, or where extradition is sought from territory included in the preceding paragraphs, other than the United States or Bulgaria, requisitions may be made by superior consular officers. It shall be competent for such diplomatic or

superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify it to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

In case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within three months from the date of arrest in Bulgaria, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding government or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

## ARTICLE XII

In every case of a request made by either of the high contracting parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim whatever for compensation for any of the services so rendered shall be made against the government demanding the extradition; provided, however, that any officer or officers of the surrendering government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

## ARTICLE XIII

The present treaty shall be ratified by the high contracting parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications which shall take place at Sofia, as soon as possible.

## ARTICLE XIV

The present treaty shall remain in force for a period of ten years, and in case neither of the high contracting parties shall have given notice one year before the expiration of that period of its intention to terminate the treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the high contracting parties.

In witness whereof the above-named plenipotentiaries have signed the present treaty and have hereunto affixed their seals.

Done in duplicate at Sofia this nineteenth day of March nineteen hundred and twenty-four.

[SEAL] CHARLES S. WILSON.

[SEAL] CHR. KALFOFF.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND DENMARK FOR  
THE PREVENTION OF SMUGGLING OF INTOXICATING LIQUORS <sup>1</sup>

*Signed at Washington, May 29, 1924; ratifications exchanged at  
Washington, July 25, 1924*

The President of the United States of America and His Majesty the King of Denmark and Iceland being desirous of avoiding any difficulties which might arise between the United States and Denmark in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States of America, Mr. Charles Evans Hughes, Secretary of State of the United States; and

His Majesty the King of Denmark and Iceland, Mr. Kai Helmer-Petersen, His Majesty's Chargé d'Affaires at Washington,

Who, having communicated their full powers found in good and due form, have agreed as follows:

## ARTICLE I

The high contracting parties respectively retain their rights and claims, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdiction.

<sup>1</sup> U. S. Treaty Series, No. 693.

## ARTICLE II

(1) His Majesty the King of Denmark and Iceland agrees that he will raise no objection to the boarding of private vessels under the Danish flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

## ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Danish vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

## ARTICLE IV

Any claim by a Danish vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this treaty or on the ground that it has not



been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the Pacific Settlement of International Disputes, concluded at The Hague, October 18, 1907. The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said convention. The proceedings shall be regulated by so much of Chapter IV of the said convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of five per cent. on such sums, or at such lower rate as may be agreed upon between the two governments; the deficiency, if any, shall be defrayed in equal moieties by the two governments.

#### ARTICLE V

This treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the high contracting parties may give notice of its desire to propose modifications in the terms of the treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the treaty, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the treaty shall lapse.

#### ARTICLE VI

In the event that either of the high contracting parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present treaty the said treaty shall automatically lapse, and, on such lapse or whenever this treaty shall cease to be in force, each high

contracting party shall enjoy all the rights which it would have possessed had this treaty not been concluded.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark and Iceland; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the present convention in duplicate in the English and Danish languages and have thereunto affixed their seals.

Done at the city of Washington this twenty-ninth day of May one thousand nine hundred and twenty-four.

[SEAL] CHARLES EVANS HUGHES.

[SEAL] HELMER PETERSEN.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND FRANCE RELATING TO THE PART OF THE CAMEROONS UNDER FRENCH MANDATE <sup>1</sup>

*Signed at Paris, February 13, 1923; ratifications exchanged at Paris, June 3, 1924*

The President of the United States of America and the President of the French Republic:

Whereas by Article 119 of the Treaty of Peace signed at Versailles the 28th of June, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions; and

Whereas by Article 22 of the same instrument it was provided that certain territories which, as a result of the war, had ceased to be under the sovereignty of the states which formerly governed them, should be placed under the mandate of another Power, and that the terms of the mandate should be explicitly defined in each case by the Council of the League of Nations; and

Whereas the benefits accruing under the aforesaid Article 119 of the Treaty of Versailles were confirmed to the United States by the treaty between the United States and Germany, signed August 25, 1921, to restore friendly relations between the two nations; and

Whereas four of the Principal Allied and Associated Powers, to wit: the British Empire, France, Italy and Japan, agreed that France should exercise the mandate for part of the former German colony of the Cameroons; and

Whereas the terms of the said mandate have been defined by the Council of the League of Nations as follows:

ARTICLE 1.—The territory for which a mandate is conferred upon France comprises that part of the Cameroons which lies to the east of the line laid down in the declaration signed on July 10th, 1919, of which copy is annexed hereto.<sup>2</sup>

<sup>1</sup> U. S. Treaty Series, No. 690.

<sup>2</sup> The declaration is printed in Supplement to the AMERICAN JOURNAL OF INTERNATIONAL LAW, Vol. 17, pp. 141-145, and therefore is not reprinted here.—MANAGING EDITOR.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interest of the inhabitants or by reason of any inaccuracies in the map Moisel 1/300,000, annexed to the declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said declaration.

The final report of the mixed commission shall give the exact description of the boundary line as traced on the spot; maps signed by the commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate; one of these shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the Republic and one by His Britannic Majesty's Government.

ARTICLE 2.—The Mandatory shall be responsible for the peace, order and good government of the territory and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3.—The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organize any native military force except for local police purposes and for the defence of the territory.

It is understood, however, that the troops thus raised may, in the event of general war, be utilized to repel an attack or for defence of the territory outside that subject to the mandate.

ARTICLE 4.—The Mandatory:

(1) Shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;

(2) Shall suppress all forms of slave trade;

(3) Shall prohibit all forms of forced or compulsory labor, except for essential public works and services, and then only in return for adequate remuneration;

(4) Shall protect the natives from measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;

(5) Shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5.—In the framing of laws relating to the holding or transference of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favor of non-natives may be created except with the same consent.

The Mandatory shall promulgate strict regulations against usury.

ARTICLE 6.—The Mandatory shall secure to all nationals of states members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of states members of the League of Nations, on the same footing as his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all states members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal

character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the state or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7.—The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of states members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8.—The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9.—The Mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the above provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent territories under his sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10.—The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council. This report shall contain full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11.—The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

ARTICLE 12.—The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations,

Whereas the United States of America, by participating in the war against Germany, contributed to her defeat and to the renunciation of her rights and titles over her oversea possessions, but has not ratified the Treaty of Versailles; and

Whereas the Government of the United States and the Government of the French Republic desire to reach a definite understanding with regard to the rights of the two governments and their respective nationals in the aforesaid former German colony of the Cameroons;

Have decided to conclude a convention to this effect, and have nominated as their respective plenipotentiaries, that is to say:

The President of the United States of America:

His Excellency Mr. Myron T. Herrick, Ambassador Extraordinary and Plenipotentiary of the United States of America at Paris:

And the President of the French Republic:

M. Raymond Poincaré, Senator, President of the Council, Minister of Foreign Affairs;

Who, after communicating to each other their respective full powers, found in good and due form, have agreed upon the following provisions:

#### ARTICLE 1

Subject to the provisions of the present convention, the United States consents to the administration by the Government of the French Republic, pursuant to the aforesaid mandate, of the former German territory, described in Article 1 of the mandate.

#### ARTICLE 2

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of Articles 2, 3, 4, 5, 6, 7, 8 and 9 of the mandate to members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

#### ARTICLE 3

Vested American property rights in the mandated territory shall be respected and in no way impaired.

#### ARTICLE 4

A duplicate of the annual report to be made by the Mandatory under Article 10 of the mandate shall be furnished to the United States.

#### ARTICLE 5

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above unless such modification shall have been assented to by the United States.

#### ARTICLE 6

The extradition treaties and conventions in force between the United States and France shall apply to the mandated territory.

#### ARTICLE 7

The present convention shall be ratified in accordance with the respective constitutional methods of the high contracting parties. The ratifications shall be exchanged in Paris as soon as practicable. It shall take effect on the date of the exchange of ratifications.



In witness whereof the respective plenipotentiaries have signed this convention and have affixed thereto their seals.

Done in duplicate at Paris, the 13th day of February, in the year 1923.

[SEAL] MYRON T. HERRICK.

[SEAL] R. POINCARÉ.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND FRANCE  
RELATING TO THE PART OF TOGOLAND UNDER FRENCH MANDATE <sup>1</sup>

*Signed at Paris, February 13, 1923; ratifications exchanged at Paris,  
June 3, 1923*

The President of the United States of America and the President of the French Republic:

Whereas by Article 119 of the Treaty of Peace signed at Versailles the 28th of June, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions; and

Whereas by Article 22 of the same instrument it was provided that certain territories, which as a result of the war had ceased to be under the sovereignty of the States which formerly governed them, should be placed under the mandate of another Power, and that the terms of the mandate should be explicitly defined in each case by the Council of the League of Nations; and

Whereas the benefits accruing under the aforesaid Article 119 of the Treaty of Versailles were confirmed to the United States by the treaty between the United States and Germany, signed August 25, 1921, to restore friendly relations between the two nations; and

Whereas four of the Principal Allied and Associated Powers, to wit: the British Empire, France, Italy and Japan, agreed that France should exercise the mandate for part of the former German colony of Togoland; and

Whereas the terms of the said mandate have been defined by the Council of the League of Nations as follows:

ARTICLE 1.—The territory over which a mandate is conferred upon France comprises that part of Togoland which lies to the east of the line laid down in the declaration signed on July 10, 1919, of which a copy is annexed hereto.<sup>2</sup>

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interest of the inhabitants or by reason of any inaccuracies in the map, Sprigade 1:200,000, annexed to the declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said declaration.

The final report of the mixed commission shall give the exact description of the boundary line as traced on the spot; maps signed by the commissioners shall be annexed to the report.

<sup>1</sup> U. S. Treaty Series, No. 691.

<sup>2</sup> The declaration is printed in Supplement to the AMERICAN JOURNAL OF INTERNATIONAL LAW, Vol. 17, pp. 186-190, and therefore is not reprinted here.—MANAGING EDITOR.

This report with its annexes shall be drawn up in triplicate: one of these shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the Republic and one by His Britannic Majesty's Government.

ARTICLE 2.—The Mandatory shall be responsible for the peace, order and good government of the territory and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3.—The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organize any native military force except for local police purposes and for the defence of the territory.

It is understood, however, that the troops thus raised may, in the event of general war, be utilized to repel an attack or for the defence of the territory outside that subject to the mandate.

ARTICLE 4.—The Mandatory:

1. Shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;
2. Shall suppress all forms of slave trade;
3. Shall prohibit all forms of forced or compulsory labor, except for essential public works and services, and then only in return for adequate remuneration;
4. Shall protect the natives from measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;
5. Shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5.—In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favor of non-natives may be created except with the same consent.

The Mandatory shall promulgate strict regulations against usury.

ARTICLE 6.—The Mandatory shall secure to all nationals of states members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of states members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; except that Mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all states members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the state or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7.—The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of states members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8.—The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9.—The Mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the above provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate, with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal, or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10.—The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council. This report shall contain full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11.—The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

ARTICLE 12.—The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations,

Whereas the United States of America, by participating in the war against Germany, contributed to her defeat and to the renunciation of her rights and titles over her oversea possessions, but has not ratified the Treaty of Versailles; and

Whereas the Government of the United States and the Government of the French Republic desire to reach a definite understanding with regard to the rights of the two governments and their respective nationals in the aforesaid former German colony of Togoland:

Have decided to conclude a convention to this effect, and have nominated as their respective plenipotentiaries, that is to say:

The President of the United States of America:

His Excellency Mr. Myron T. Herrick, Ambassador Extraordinary and Plenipotentiary of the United States of America at Paris,

And the President of the French Republic:

M. Raymond Poincaré, Senator, President of the Council, Minister of Foreign Affairs;

Who, after communicating to each other their respective full powers, found in good and due form, have agreed upon the following provisions:

#### ARTICLE 1

Subject to the provisions of the present convention, the United States consents to the administration by the Government of the French Republic, pursuant to the aforesaid mandate, of the former German territory, described in Article 1 of the mandate.

#### ARTICLE 2

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of Articles 2, 3, 4, 5, 6, 7, 8 and 9 of the mandate to members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

#### ARTICLE 3

Vested American property rights in the mandated territory shall be respected and in no way impaired.

#### ARTICLE 4

A duplicate of the annual report to be made by the Mandatory under Article 10 of the mandate shall be furnished to the United States.

#### ARTICLE 5

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above unless such modification shall have been assented to by the United States.

#### ARTICLE 6

The extradition treaties and conventions in force between the United States and France shall apply to the mandated territory.

#### ARTICLE 7

The present convention shall be ratified in accordance with the respective constitutional methods of the high contracting parties. The ratifications shall be exchanged in Paris as soon as practicable. It shall take effect on the date of the exchange of ratifications.

In witness whereof the respective plenipotentiaries have signed this convention and have affixed thereto their seals.

Done in duplicate at Paris, the 13th day of February, in the year 1923.

[SEAL] MYRON T. HERRICK.

[SEAL] R. POINCARÉ.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND NORWAY FOR  
THE PREVENTION OF SMUGGLING OF INTOXICATING LIQUORS <sup>1</sup>

*Signed at Washington, May 24, 1924; ratifications exchanged at Washington,  
July 2, 1924*

The President of the United States of America and His Majesty the King of Norway being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America, Charles Evans Hughes, Secretary of State of the United States;

His Majesty the King of Norway, Helmer H. Bryn, His Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, having communicated their full powers found in good and due form, have agreed as follows:

ARTICLE I

The high contracting parties respectively retain their rights and claims, without prejudice by reason of this agreement with respect to the extent of their territorial jurisdiction.

ARTICLE II

(1) His Majesty agrees that he will raise no objection to the boarding of private vessels under the Norwegian flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States its territories or possessions by a vessel other

<sup>1</sup> U. S. Treaty Series, No. 689.



than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

#### ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Norwegian vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

#### ARTICLE IV

Any claim by a Norwegian vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this treaty or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the Pacific Settlement of International Disputes, concluded at The Hague, October 18, 1907. The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said convention. The proceedings shall be regulated by so much of Chapter IV of the said convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of five per cent, on such sums, or at such lower rate as may be agreed upon between the two governments; the deficiency, if any, shall be defrayed in equal moieties by the two governments.

## ARTICLE V

This treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the high contracting parties may give notice of its desire to propose modifications in the terms of the treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the treaty, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the treaty shall lapse.

## ARTICLE VI

In the event that either of the high contracting parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present treaty the said treaty shall automatically lapse, and, on such lapse or whenever this treaty shall cease to be in force, each high contracting party shall enjoy all the rights which it would have possessed had this treaty not been concluded.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Norway; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the present convention in duplicate in the English and Norwegian languages and have thereunto affixed their seals.

Done at the city of Washington this twenty-fourth day of May, in the year of our Lord one thousand nine hundred and twenty-four.

[SEAL] CHARLES EVANS HUGHES.

[SEAL] HELMER H. BRYN.

TREATY BETWEEN THE UNITED STATES AND OTHER POWERS RELATING TO  
SPITZBERGEN <sup>1</sup>

*Signed at Paris, February 9, 1920; Ratifications of the United States  
deposited with the Government of France, April 2, 1924*

The President of the United States of America; His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Denmark; the Presi-

<sup>1</sup> U. S. Treaty Series, No. 686.

dent of the French Republic; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; His Majesty the King of Sweden,

Desirous, while recognizing the sovereignty of Norway over the Archipelago of Spitsbergen, including Bear Island, of seeing these territories provided with an equitable régime, in order to assure their development and peaceful utilization,

Have appointed as their respective plenipotentiaries with a view to concluding a treaty to this effect:

The President of the United States of America:

Mr. Hugh Campbell Wallace, Ambassador Extraordinary and Plenipotentiary of the United States of America at Paris;

His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honorable the Earl of Derby, K. G., G. C. V. O., C. B., His Ambassador Extraordinary and Plenipotentiary at Paris;

And

for the Dominion of Canada:

The Right Honorable Sir George Halsey Perley, K. C. M. G., High Commissioner for Canada in the United Kingdom;

for the Commonwealth of Australia:

The Right Honorable Andrew Fisher, High Commissioner for Australia in the United Kingdom;

for the Dominion of New Zealand:

The Right Honorable Sir Thomas MacKenzie, K. C. M. G., High Commissioner for New Zealand in the United Kingdom;

for the Union of South Africa:

Mr. Reginald Andrew Blankenberg, O. B. E., Acting High Commissioner for South Africa in the United Kingdom;

for India:

The Right Honorable the Earl of Derby, K. G., G. C. V. O., C. B.;

His Majesty the King of Denmark:

Mr. Herman Anker Bernhoft, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of Denmark at Paris;

The President of the French Republic:

Mr. Alexandre Millerand, President of the Council, Minister for Foreign Affairs;

His Majesty the King of Italy:

The Honorable Maggiorino Ferraris, Senator of the Kingdom;

His Majesty the Emperor of Japan:

Mr. K. Matsui, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at Paris;

His Majesty the King of Norway:

Baron Wedel Jarlsberg, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of Norway at Paris;

Her Majesty the Queen of the Netherlands:

Mr. John Loudon, Envoy Extraordinary and Minister Plenipotentiary of H. M. the Queen of the Netherlands at Paris;

His Majesty the King of Sweden:

Count J.-J.-A. Ehrensward, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of Sweden at Paris;

Who, having communicated their full powers, found in good and due form, have agreed as follows:

#### ARTICLE 1

The high contracting parties undertake to recognize, subject to the stipulations of the present treaty, the full and absolute sovereignty of Norway over the Archipelago of Spitsbergen, comprising, with Bear Island or Beeren-Eiland, all the islands situated between 10° and 35° longitude East of Greenwich and between 74° and 81° latitude North, especially West Spitsbergen, North-East Land, Barents Island, Edge Island, Wiche Islands, Hope Island or Hopen-Eiland, and Prince Charles Foreland, together with all islands great or small and rocks appertaining thereto (see annexed map).<sup>1</sup>

#### ARTICLE 2

Ships and nationals of all the high contracting parties shall enjoy equally the rights of fishing and hunting in the territories specified in Article 1 and in their territorial waters.

Norway shall be free to maintain, take or decree suitable measures to insure the preservation and, if necessary, the re-constitution of the fauna and flora of the said regions, and their territorial waters; it being clearly understood that these measures shall always be applicable equally to the nationals of all the high contracting parties without any exemption, privilege or favor whatsoever, direct or indirect to the advantage of any one of them.

Occupiers of land whose rights have been recognized in accordance with the terms of Articles 6 and 7 will enjoy the exclusive right of hunting on their own land; (1) in the neighborhood of their habitations, houses, stores, factories and installations, constructed for the purpose of developing their property, under conditions laid down by the local police regulations; (2) within a radius of 10 kilometres round the headquarters of their place of business or works; and in both cases, subject always to the observance of regulations made by the Norwegian Government in accordance with the conditions laid down in the present article.

#### ARTICLE 3

The nationals of all the high contracting parties shall have equal liberty of access and entry for any reason or object whatever to the waters, fjords and

<sup>1</sup>Not reproduced.

ports of the territories specified in Article 1; subject to the observance of local laws and regulations, they may carry on there without impediment all maritime, industrial, mining and commercial operations on a footing of absolute equality.

They shall be admitted under the same conditions of equality to the exercise and practice of all maritime, industrial, mining or commercial enterprises both on land and in the territorial waters, and no monopoly shall be established on any account or for any enterprise whatever.

Notwithstanding any rules relating to coasting trade which may be in force in Norway, ships of the high contracting parties going to or coming from the territories specified in Article 1 shall have the right to put into Norwegian ports on their outward or homeward voyage for the purpose of taking on board or disembarking passengers or cargo going to or coming from the said territories, or for any other purpose.

It is agreed that in every respect and especially with regard to exports, imports and transit traffic, the nationals of all the high contracting parties, their ships and goods shall not be subject to any charges or restrictions whatever which are not borne by the nationals, ships or goods which enjoy in Norway the treatment of the most favored nation; Norwegian nationals, ships or goods being for this purpose assimilated to those of the other high contracting parties, and not treated more favorably in any respect.

No charge or restriction shall be imposed on the exportation of any goods to the territories of any of the contracting Powers other or more onerous than on the exportation of similar goods to the territory of any other contracting Power (including Norway) or to any other destination.

#### ARTICLE 4

All public wireless telegraphy stations established or to be established by, or with the authorization of, the Norwegian Government within the territories referred to in Article 1 shall always be open on a footing of absolute equality to communications from ships of all flags and from nationals of the high contracting parties, under the conditions laid down in the Wireless Telegraphy Convention of July 5, 1912, or in the subsequent international convention which may be concluded to replace it.

Subject to international obligations arising out of a state of war, owners of landed property shall always be at liberty to establish and use for their own purposes wireless telegraphy installations, which shall be free to communicate on private business with fixed or moving wireless stations, including those on board ships and aircraft.

#### ARTICLE 5

The high contracting parties recognize the utility of establishing an international meteorological station in the territories specified in Article 1, the organization of which shall form the subject of a subsequent convention.



Conventions shall also be concluded laying down the conditions under which scientific investigations may be conducted in the said territories.

#### ARTICLE 6

Subject to the provisions of the present article, acquired rights of nationals of the high contracting parties shall be recognized.

Claims arising from taking possession or from occupation of land before the signature of the present treaty shall be dealt with in accordance with the annex hereto, which will have the same force and effect as the present treaty.

#### ARTICLE 7

With regard to methods of acquisition, enjoyment and exercise of the right of ownership of property, including mineral rights, in the territories specified in Article 1, Norway undertakes to grant to all nationals of the high contracting parties treatment based on complete equality and in conformity with the stipulations of the present treaty.

Expropriation may be resorted to only on grounds of public utility and on payment of proper compensation.

#### ARTICLE 8

Norway undertakes to provide for the territories specified in Article 1 mining regulations which, especially from the point of view of imposts, taxes or charges of any kind, and of general or particular labor conditions, shall exclude all privileges, monopolies or favors for the benefit of the state or of the nationals of any one of the high contracting parties, including Norway, and shall guarantee to the paid staff of all categories the remuneration and protection necessary for their physical, moral and intellectual welfare.

Taxes, dues and duties levied shall be devoted exclusively to the said territories and shall not exceed what is required for the object in view.

So far, particularly, as the exportation of minerals is concerned, the Norwegian Government shall have the right to levy an export duty which shall not exceed 1% of the maximum value of the minerals exported up to 100,000 tons, and beyond that quantity the duty will be proportionately diminished. The value shall be fixed at the end of the navigation season by calculating the average free on board price obtained.

Three months before the date fixed for their coming into force, the draft mining regulations shall be communicated by the Norwegian Government to the other contracting Powers. If during this period one or more of the said Powers propose to modify these regulations before they are applied, such proposals shall be communicated by the Norwegian Government to the other contracting Powers in order that they may be submitted to examination and the decision of a Commission composed of one representative of each of the said Powers. This Commission shall meet at the invitation of the Norwegian

Government and shall come to a decision within a period of three months from the date of its first meeting. Its decisions shall be taken by a majority.

#### ARTICLE 9

Subject to the rights and duties resulting from the admission of Norway to the League of Nations, Norway undertakes not to create nor to allow the establishment of any naval base in the territories specified in Article 1 and not to construct any fortification in the said territories, which may never be used for warlike purposes.

#### ARTICLE 10

Until the recognition by the high contracting parties of a Russian Government shall permit Russia to adhere to the present treaty, Russian nationals and companies shall enjoy the same rights as nationals of the high contracting parties.

Claims in the territories specified in Article 1 which they may have to put forward shall be presented under the conditions laid down in the present treaty (Article 6 and annex) through the intermediary of the Danish Government, who declare their willingness to lend their good offices for this purpose.

The present treaty, of which the French and English texts are both authentic, shall be ratified.

Ratifications shall be deposited at Paris as soon as possible.

Powers of which the seat of the government is outside Europe may confine their action to informing the Government of the French Republic, through their diplomatic representative at Paris, that their ratification has been given, and in this case, they shall transmit the instrument as soon as possible.

The present treaty will come into force, in so far as the stipulations of Article 8 are concerned, from the date of its ratification by all the signatory Powers; and in all other respects on the same date as the mining regulations provided for in that article.

Third Powers will be invited by the Government of the French Republic to adhere to the present treaty duly ratified. This adhesion shall be effected by a communication addressed to the French Government, which will undertake to notify the other contracting parties.

In witness whereof the above-named plenipotentiaries have signed the present treaty.

Done at Paris, the ninth day of February, 1920, in duplicate, one copy to be transmitted to the Government of His Majesty the King of Norway, and one deposited in the archives of the French Republic; authenticated copies will be transmitted to the other signatory powers.

(L. S.) HUGH C. WALLACE.

(L. S.) ANDREW FISHER.

(L. S.) DERBY.

(L. S.) TH. MACKENZIE.

(L. S.) GEORGE H. PERLEY.

(L. S.) R. A. BLANKENBERG.

(L. S.)	DERBY.	(L. S.)	K. MATSUI.
(L. S.)	H. A. BERNHOFT.	(L. S.)	WEDEL JARLSBERG.
(L. S.)	A. MILLERAND.	(L. S.)	J. LOUDON.
(L. S.)	MAGGIORINO FERRARIS.	(L. S.)	J. EHRENSVÄRD.

## ANNEX

## 1

(1) Within three months from the coming into force of the present treaty, notification of all claims to land which had been made to any government before the signature of the present treaty must be sent by the government of the claimant to a commissioner charged to examine such claims. The Commissioner will be a judge or jurisconsult of Danish nationality possessing the necessary qualifications for the task, and shall be nominated by the Danish Government.

(2) The notification must include a precise delimitation of the land claimed and be accompanied by a map on a scale of not less than 1/1,000,000 on which the land claimed is clearly marked.

(3) The notification must be accompanied by the deposit of a sum of one penny for each acre (40 ares) of land claimed, to defray the expenses of the examination of the claims.

(4) The Commissioner will be entitled to require from the claimants any further documents or information which he may consider necessary.

(5) The Commissioner will examine the claims so notified. For this purpose he will be entitled to avail himself of such expert assistance as he may consider necessary, and in case of need to cause investigations to be carried out on the spot.

(6) The remuneration of the Commissioner will be fixed by agreement between the Danish Government and the other governments concerned. The Commissioner will fix the remuneration of such assistants as he considers it necessary to employ.

(7) The Commissioner, after examining the claims, will prepare a report showing precisely the claims which he is of opinion should be recognized at once and those which, either because they are disputed or for any other reason, he is of opinion should be submitted to arbitration as hereinafter provided. Copies of this report will be forwarded by the Commissioner to the governments concerned.

(8) If the amount of the sums deposited in accordance with clause (3) is insufficient to cover the expenses of the examination of the claims, the Commissioner will, in every case where he is of opinion that a claim should be recognized, at once state what further sum the claimant should be required to pay. This sum will be based on the amount of the land to which the claimant's title is recognized.

If the sums deposited in accordance with clause (3) exceed the expenses of the examination, the balance will be devoted to the cost of the arbitration hereinafter provided for.

(9) Within three months from the date of the report referred to in clause (7) of this paragraph, the Norwegian Government shall take the necessary steps to confer upon claimants whose claims have been recognized by the Commissioner a valid title securing to them the exclusive property in the land in question, in accordance with the laws and regulations in force or to be enforced in the territories specified in Article 1 of the present treaty, and subject to the mining regulations referred to in Article 8 of the present treaty.

In the event, however, of a further payment being required in accordance with clause (8) of this paragraph, a provisional title only will be delivered, which title will become definitive on payment by the claimant, within such reasonable period as the Norwegian Government may fix, of the further sum required of him.

## 2

Claims which for any reason the Commissioner referred to in clause (1) of the preceding paragraph has not recognized as valid will be settled in accordance with the following provisions:

(1) Within three months from the date of the report referred to in clause (7) of the preceding paragraph, each of the governments whose nationals have been found to possess claims which have not been recognized will appoint an arbitrator.

The Commissioner will be the President of the Tribunal so constituted. In cases of equal division of opinion, he shall have the deciding vote. He will nominate a Secretary to receive the documents referred to in clause (2) of this paragraph and to make the necessary arrangements for the meeting of the Tribunal.

(2) Within one month from the appointment of the Secretary referred to in clause (1) the claimants concerned will send to him through the intermediary of their respective governments statements indicating precisely their claims and accompanied by such documents and arguments as they may wish to submit in support thereof.

(3) Within two months from the appointment of the Secretary referred to in clause (1) the Tribunal shall meet at Copenhagen for the purpose of dealing with the claims which have been submitted to it.

(4) The language of the Tribunal shall be English. Documents or arguments may be submitted to it by the interested parties in their own language, but in that case must be accompanied by an English translation.

(5) The claimants shall be entitled, if they so desire, to be heard by the Tribunal either in person or by counsel, and the Tribunal shall be entitled to call upon the claimants to present such additional explanations, documents or arguments as it may think necessary.

(6) Before the hearing of any case the Tribunal shall require from the parties a deposit or security for such sum as it may think necessary to cover the share of each party in the expenses of the Tribunal. In fixing the amount of such sum the Tribunal shall base itself principally on the extent of the land claimed. The Tribunal shall also have power to demand a further deposit from the parties in cases where special expense is involved.

(7) The honorarium of the arbitrators shall be calculated per month, and fixed by the governments concerned. The salary of the Secretary and any other persons employed by the Tribunal shall be fixed by the President.

(8) Subject to the provisions of this annex the Tribunal shall have full power to regulate its own procedure.

(9) In dealing with the claims the Tribunal shall take into consideration:

- (a) any applicable rules of international law;
- (b) the general principles of justice and equity;
- (c) the following circumstances:

- (i) the date on which the land claimed was first occupied by the claimant or his predecessors in title;

- (ii) the date on which the claim was notified to the government of the claimant;

- (iii) the extent to which the claimant or his predecessors in title have developed and exploited the land claimed. In this connection the Tribunal shall take into account the extent to which the claimants may have been prevented from developing their undertakings by conditions or restrictions resulting from the war of 1914-1919.

(10) All the expenses of the Tribunal shall be divided among the claimants in such proportion as the Tribunal shall decide. If the amount of the sums paid in accordance with clause (6) is larger than the expenses of the Tribunal, the balance shall be returned to the parties whose claims have been recognized in such proportion as the Tribunal shall think fit.

(11) The decisions of the Tribunal shall be communicated by it to the governments concerned, including in every case the Norwegian Government.

The Norwegian Government shall within three months from the receipt of each decision take the necessary steps to confer upon the claimants whose claims have been recognized by the Tribunal a valid title to the land in question, in accordance with the laws and regulations in force or to be enforced in the territories specified in Article 1, and subject to the mining regulations referred to in Article 8 of the present treaty. Nevertheless, the titles so conferred will only become definitive on the payment by the claimant concerned, within such reasonable period as the Norwegian Government may fix, of his share of the expenses of the Tribunal.

3

Any claims which are not notified to the Commissioner in accordance with clause (1) of paragraph 1, or which not having been recognized by him are



not submitted to the Tribunal in accordance with paragraph 2, will be finally extinguished.

AN ACT TO LIMIT THE IMMIGRATION OF ALIENS INTO THE UNITED STATES,  
AND FOR OTHER PURPOSES <sup>1</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration Act of 1924."*

*Immigration Visas*

SEC. 2. (a) A consular officer upon the application of any immigrant (as defined in section 3) may (under the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations made thereunder as to the number of immigration visas which may be issued by such officer) issue to such immigrant an immigration visa which shall consist of one copy of the application provided for in section 7, visaed by such consular officer. Such visa shall specify (1) the nationality of the immigrant; (2) whether he is a quota immigrant (as defined in section 5) or a non-quota immigrant (as defined in section 4); (3) the date on which the validity of the immigration visa shall expire; and (4) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed.

(b) The immigrant shall furnish two copies of his photograph to the consular officer. One copy shall be permanently attached by the consular officer to the immigration visa and the other copy shall be disposed of as may be by regulations prescribed.

(c) The validity of an immigration visa shall expire at the end of such period, specified in the immigration visa, not exceeding four months, as shall be by regulations prescribed. In the case of an immigrant arriving in the United States by water, or arriving by water in foreign contiguous territory on a continuous voyage to the United States, if the vessel, before the expiration of the validity of his immigration visa, departed from the last port outside the United States and outside foreign contiguous territory at which the immigrant embarked, and if the immigrant proceeds on a continuous voyage to the United States, then, regardless of the time of his arrival in the United States, the validity of his immigration visa shall not be considered to have expired.

(d) If an immigrant is required by any law, or regulations or orders made pursuant to law, to secure the visa of his passport by a consular officer before being permitted to enter the United States, such immigrant shall not be required to secure any other visa of his passport than the immigration visa

<sup>1</sup> PUBLIC—No. 139—68TH CONGRESS (H. R. 7995).

issued under this Act, but a record of the number and date of his immigration visa shall be noted on his passport without charge therefor. This subdivision shall not apply to an immigrant who is relieved, under subdivision (b) of section 13, from obtaining an immigration visa.

(e) The manifest or list of passengers required by the immigration laws shall contain a place for entering thereon the date, place of issuance, and number of the immigration visa of each immigrant. The immigrant shall surrender his immigration visa to the immigration officer at the port of inspection, who shall at the time of inspection indorse on the immigration visa the date, the port of entry, and the name of the vessel, if any, on which the immigrant arrived. The immigration visa shall be transmitted forthwith by the immigration officer in charge at the port of inspection to the Department of Labor under regulations prescribed by the Secretary of Labor.

(f) No immigration visa shall be issued to an immigrant if it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws, nor shall such immigration visa be issued if the application fails to comply with the provisions of this Act, nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws.

(g) Nothing in this Act shall be construed to entitle an immigrant, to whom an immigration visa has been issued, to enter the United States, if, upon arrival in the United States, he is found to be inadmissible to the United States under the immigration laws. The substance of this subdivision shall be printed conspicuously upon every immigration visa.

(h) A fee of \$9 shall be charged for the issuance of each immigration visa, which shall be covered into the Treasury as miscellaneous receipts.

#### *Definition of "Immigrant"*

SEC. 3. When used in this Act the term "immigrant" means any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation.

*Non-Quota Immigrants*

SEC. 4. When used in this Act the term "non-quota immigrant" means—

(a) An immigrant who is the unmarried child under 18 years of age, or the wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9;

(b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

(c) An immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him;

(d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him; or

(e) An immigrant who is a bona fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Secretary of Labor, which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn.

*Quota Immigrants*

SEC. 5. When used in this Act the term "quota immigrant" means any immigrant who is not a non-quota immigrant. An alien who is not particularly specified in this Act as a non-quota immigrant or a non-immigrant shall not be admitted as a non-quota immigrant or a non-immigrant by reason of relationship to any individual who is so specified or by reason of being excepted from the operation of any other law regulating or forbidding immigration.

*Preferences Within Quotas*

SEC. 6. (a) In the issuance of immigration visas to quota immigrants preference shall be given—

(1) To a quota immigrant who is the unmarried child under 21 years of age, the father, the mother, the husband, or the wife, of a citizen of the United States who is 21 years of age or over; and

(2) To a quota immigrant who is skilled in agriculture, and his wife, and his dependent children under the age of 16 years, if accompanying or fol-

lowing to join him. The preference provided in this paragraph shall not apply to immigrants of any nationality the annual quota for which is less than 300.

(b) The preference provided in subdivision (a) shall not in the case of quota immigrants of any nationality exceed 50 per centum of the annual quota for such nationality. Nothing in this section shall be construed to grant to the class of immigrants specified in paragraph (1) of subdivision (a) a priority in preference over the class specified in paragraph (2).

(c) The preference provided in this section shall, in the case of quota immigrants of any nationality, be given in the calendar month in which the right to preference is established, if the number of immigration visas which may be issued in such month to quota immigrants of such nationality has not already been issued; otherwise in the next calendar month.

#### *Application for Immigration Visa*

SEC. 7. (a) Every immigrant applying for an immigration visa shall make application therefor in duplicate in such form as shall be by regulations prescribed.

(b) In the application the immigrant shall state (1) the immigrant's full and true name; age, sex, and race; the date and place of birth; places of residence for the five years immediately preceding his application; whether married or single, and the names and places of residence of wife or husband and minor children, if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); ability to speak, read, and write; names and addresses of parents, and if neither parent living, then the name and address of his nearest relative in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, what relative or friend and his name and complete address; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to abide in the United States permanently; whether ever in prison or almshouse; whether he or either of his parents has ever been in an institution or hospital for the care and treatment of the insane; (2) if he claims to be a non-quota immigrant, the facts on which he bases such claim; and (3) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws, as may be by regulations prescribed.

(c) The immigrant shall furnish, if available, to the consular officer, with his application, two copies of his "dossier" and prison record and military record, two certified copies of his birth certificate, and two copies of all other available public records concerning him kept by the Government to which he owes allegiance. One copy of the documents so furnished shall be permanently attached to each copy of the application and become a part thereof.

An immigrant having an unexpired permit issued under the provisions of section 10 shall not be subject to this subdivision. In the case of an application made before September 1, 1924, if it appears to the satisfaction of the consular officer that the immigrant has obtained a visa of his passport before the enactment of this Act, and is unable to obtain the documents referred to in this subdivision without undue expense and delay, owing to absence from the country from which such documents should be obtained, the consular officer may relieve such immigrant from the requirements of this subdivision.

(d) In the application the immigrant shall also state (to such extent as shall be by regulations prescribed) whether or not he is a member of each class of individuals excluded from admission to the United States under the immigration laws, and such classes shall be stated on the blank in such form as shall be by regulations prescribed, and the immigrant shall answer separately as to each class.

(e) If the immigrant is unable to state that he does not come within any of the excluded classes, but claims to be for any legal reason exempt from exclusion, he shall state fully in the application the grounds for such alleged exemption.

(f) Each copy of the application shall be signed by the immigrant in the presence of the consular officer and verified by the oath of the immigrant administered by the consular officer. One copy of the application, when visaed by the consular officer, shall become the immigration visa, and the other copy shall be disposed of as may be by regulations prescribed.

(g) In the case of an immigrant under eighteen years of age the application may be made and verified by such individual as shall be by regulations prescribed.

(h) A fee of \$1 shall be charged for the furnishing and verification of each application, which shall include the furnishing and verification of the duplicate, and shall be covered into the Treasury as miscellaneous receipts.

#### *Non-Quota Immigration Visas*

SEC. 8. A consular officer may, subject to the limitations provided in sections 2 and 9, issue an immigration visa to a non-quota immigrant as such upon satisfactory proof, under regulations prescribed under this Act, that the applicant is entitled to be regarded as a non-quota immigrant.

#### *Issuance of Immigration Visas to Relatives*

SEC. 9. (a) In case of any immigrant claiming in his application for an immigration visa to be a non-quota immigrant by reason of relationship under the provisions of subdivision (a) of section 4, or to be entitled to preference by reason of relationship to a citizen of the United States under the provisions of section 6, the consular officer shall not issue such immigration



visa or grant such preference until he has been authorized to do so as herein-after in this section provided.

(b) Any citizen of the United States claiming that any immigrant is his relative, and that such immigrant is properly admissible to the United States as a non-quota immigrant under the provisions of subdivision (a) of section 4 or is entitled to preference as a relative under section 6, may file with the Commissioner General a petition in such form as may be by regulations prescribed, stating (1) the petitioner's name and address; (2) if a citizen by birth, the date and place of his birth; (3) of a naturalized citizen, the date and place of his admission to citizenship and the number of his certificate, if any; (4) the name and address of his employer or the address of his place of business or occupation if he is not an employee; (5) the degree of the relationship of the immigrant for whom such petition is made, and the names of all the places where such immigrant has resided prior to and at the time when the petition is filed; (6) that the petitioner is able to and will support the immigrant if necessary to prevent such immigrant from becoming a public charge; and (7) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed.

(c) The petition shall be made under oath administered by any individual having power to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer. The petition shall be supported by any documentary evidence required by regulations prescribed under this Act. Application may be made in the same petition for admission of more than one individual.

(d) The petition shall be accompanied by the statements of two or more responsible citizens of the United States, to whom the petitioner has been personally known for at least one year, that to the best of their knowledge and belief the statements made in the petition are true and that the petitioner is a responsible individual able to support the immigrant or immigrants for whose admission application is made. These statements shall be attested in the same way as the petition.

(e) If the Commissioner General finds the facts stated in the petition to be true, and that the immigrant in respect of whom the petition is made is entitled to be admitted to the United States as a non-quota immigrant under subdivision (a) of section 4 or is entitled to preference as a relative under section 6, he shall, with the approval of the Secretary of Labor, inform the Secretary of State of his decision, and the Secretary of State shall then authorize the consular officer with whom the application for the immigration visa has been filed to issue the immigration visa or grant the preference.

(f) Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is granted, to enter the United States as a non-quota immigrant, if, upon arrival in the United States, he is found not to be a non-quota immigrant.

*Permit to Reënter United States After Temporary Absence*

SEC. 10. (a) Any alien about to depart temporarily from the United States may make application to the Commissioner General for a permit to reënter the United States, stating the length of his intended absence, and the reasons therefor. Such application shall be made under oath, and shall be in such form and contain such information as may be by regulations prescribed, and shall be accompanied by two copies of the applicant's photograph.

(b) If the Commissioner General finds that the alien has been legally admitted to the United States, and that the application is made in good faith, he shall, with the approval of the Secretary of Labor, issue the permit, specifying therein the length of time, not exceeding one year, during which it shall be valid. The permit shall be in such form as shall be by regulations prescribed and shall have permanently attached thereto the photograph of the alien to whom issued, together with such other matter as may be deemed necessary for the complete identification of the alien.

(c) On good cause shown the validity of the permit may be extended for such period or periods, not exceeding six months each, and under such conditions, as shall be by regulations prescribed.

(d) For the issuance of the permit, and for each extension thereof, there shall be paid a fee of \$3, which shall be covered into the Treasury as miscellaneous receipts.

(e) Upon the return of the alien to the United States the permit shall be surrendered to the immigration officer at the port of inspection.

(f) A permit issued under this section shall have no effect under the immigration laws, except to show that the alien to whom it is issued is returning from a temporary visit abroad; but nothing in this section shall be construed as making such permit the exclusive means of establishing that the alien is so returning.

*Numerical Limitations*

SEC. 11. (a) The annual quota of any nationality shall be 2 per centum of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100.

(b) The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

(c) For the purpose of subdivision (b) national origin shall be ascertained by determining as nearly as may be, in respect of each geographical area which under section 12 is to be treated as a separate country (except the

geographical areas specified in subdivision (c) of section 4) the number of inhabitants in continental United States in 1920 whose origin by birth or ancestry is attributable to such geographical area. Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable.

(d) For the purpose of subdivisions (b) and (c) the term "inhabitants in continental United States in 1920" does not include (1) immigrants from the geographical areas specified in subdivision (c) of section 4 or their descendants, (2) aliens ineligible to citizenship or their descendants, (3) the descendants of slave immigrants, or (4) the descendants of American aborigines.

(e) The determination provided for in subdivision (c) of this section shall be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly. In making such determination such officials may call for information and expert assistance from the Bureau of the Census. Such officials shall, jointly, report to the President the quota of each nationality, determined as provided in subdivision (b), and the President shall proclaim and make known the quotas so reported. Such proclamation shall be made on or before April 1, 1927. If the proclamation is not made on or before such date, quotas proclaimed therein shall not be in effect for any fiscal year beginning before the expiration of 90 days after the date of the proclamation. After the making of a proclamation under this subdivision the quotas proclaimed therein shall continue with the same effect as if specifically stated herein, and shall be final and conclusive for every purpose except (1) in so far as it is made to appear to the satisfaction of such officials and proclaimed by the President, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in subdivision (c) of section 12. If for any reason quotas proclaimed under this subdivision are not in effect for any fiscal year, quotas for such year shall be determined under subdivision (a) of this section.

(f) There shall be issued to quota immigrants of any nationality (1) no more immigration visas in any fiscal year than the quota for such nationality, and (2) in any calendar month of any fiscal year no more immigration visas than 10 per centum of the quota for such nationality, except that if such quota is less than 300 the number to be issued in any calendar month shall be prescribed by the Commissioner General, with the approval of the Secretary of Labor, but the total number to be issued during the fiscal year shall not be in excess of the quota for such nationality.

(g) Nothing in this Act shall prevent the issuance (without increasing the total number of immigration visas which may be issued) of an immigration visa to an immigrant as a quota immigrant even though he is a non-quota immigrant.

*Nationality*

SEC. 12. (a) For the purposes of this Act nationality shall be determined by country of birth, treating as separate countries the colonies, dependencies, or self-governing dominions, for which separate enumeration was made in the United States census of 1890; except that (1) the nationality of a child under twenty-one years of age not born in the United States, accompanied by its alien parent not born in the United States, shall be determined by the country of birth of such parent if such parent is entitled to an immigration visa, and the nationality of a child under twenty-one years of age not born in the United States, accompanied by both alien parents not born in the United States, shall be determined by the country of birth of the father if the father is entitled to an immigration visa; and (2) if a wife is of a different nationality from her alien husband and the entire number of immigration visas which may be issued to quota immigrants of her nationality for the calendar month has already been issued, her nationality may be determined by the country of birth of her husband if she is accompanying him and he is entitled to an immigration visa, unless the total number of immigration visas which may be issued to quota immigrants of the nationality of the husband for the calendar month has already been issued. An immigrant born in the United States who has lost his United States citizenship shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country, then in the country from which he comes.

(b) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this Act, prepare a statement showing the number of individuals of the various nationalities resident in continental United States as determined by the United States census of 1890, which statement shall be the population basis for the purposes of subdivision (a) of section 11. In the case of a country recognized by the United States, but for which a separate enumeration was not made in the census of 1890, the number of individuals born in such country and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of section 11 as having been determined by the United States census of 1890. In the case of a colony or dependency existing before 1890, but for which a separate enumeration was not made in the census of 1890 and which was not included in the enumeration for the country to which such colony or dependency belonged, or in the case of territory administered under a protectorate, the number of individuals born in such colony, dependency, or territory, and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of section 11 as having been determined by the United States census of 1890 to have been born in the country to which such colony or dependency belonged or which administers such protectorate.

(c) In case of changes in political boundaries in foreign countries occurring

subsequent to 1890 and resulting in the creation of new countries, the Governments of which are recognized by the United States, or in the establishment of self-governing dominions, or in the transfer of territory from one country to another, such transfer being recognized by the United States, or in the surrender by one country of territory, the transfer of which to another country has not been recognized by the United States, or in the administration of territories under mandates, (1) such officials, jointly, shall estimate the number of individuals resident in continental United States in 1890 who were born within the area included in such new countries or self-governing dominions or in such territory so transferred or surrendered or administered under a mandate, and revise (for the purposes of subdivision (a) of section 11) the population basis as to each country involved in such change of political boundary, and (2) if such changes in political boundaries occur after the determination provided for in subdivision (c) of section 11 has been proclaimed, such officials, jointly, shall revise such determination, but only so far as necessary to allot the quotas among the countries involved in such change of political boundary. For the purpose of such revision and for the purpose of determining the nationality of an immigrant, (A) aliens born in the area included in any such new country or self-governing dominion shall be considered as having been born in such country or dominion, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred, and (B) territory so surrendered or administered under a mandate shall be treated as a separate country. Such treatment of territory administered under a mandate shall not constitute consent by the United States to the proposed mandate where the United States has not consented in a treaty to the administration of the territory by a mandatory power.

(d) The statements, estimates, and revisions provided in this section shall be made annually, but for any fiscal year for which quotas are in effect as proclaimed under subdivision (e) of section 11, shall be made only (1) for the purpose of determining the nationality of immigrants seeking admission to the United States during such year, or (2) for the purposes of clause (2) of subdivision (c) of this section.

(e) Such officials shall, jointly, report annually to the President the quota of each nationality under subdivision (a) of section 11, together with the statements, estimates, and revisions provided for in this section. The President shall proclaim and make known the quotas so reported and thereafter such quotas shall continue, with the same effect as if specifically stated herein, for all fiscal years except those years for which quotas are in effect as proclaimed under subdivision (e) of section 11, and shall be final and conclusive for every purpose.

#### *Exclusion from United States*

SEC. 13. (a) No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration visa or was born subsequent to the



issuance of the immigration visa of the accompanying parent, (2) is of the nationality specified in the visa in the immigration visa, (3) is a non-quota immigrant if specified in the visa in the immigration visa as such, and (4) is otherwise admissible under the immigration laws.

(b) In such classes of cases and under such conditions as may be by regulations prescribed immigrants who have been legally admitted to the United States and who depart therefrom temporarily may be admitted to the United States without being required to obtain an immigration visa.

(c) No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a non-quota immigrant under the provisions of subdivision (b), (d), or (e) of section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3.

(d) The Secretary of Labor may admit to the United States any otherwise admissible immigrant not admissible under clause (2) or (3) of subdivision (a) of this section, if satisfied that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such immigrant prior to the departure of the vessel from the last port outside the United States and outside foreign contiguous territory, or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission.

(e) No quota immigrant shall be admitted under subdivision (d) if the entire number of immigration visas which may be issued to quota immigrants of the same nationality for the fiscal year has already been issued. If such entire number of immigration visas has not been issued, then the Secretary of State, upon the admission of a quota immigrant under subdivision (d), shall reduce by one the number of immigration visas which may be issued to quota immigrants of the same nationality during the fiscal year in which such immigrant is admitted; but if the Secretary of State finds that it will not be practicable to make such reduction before the end of such fiscal year, then such immigrant shall not be admitted.

(f) Nothing in this section shall authorize the remission or refunding of a fine, liability to which has accrued under section 16.

#### *Deportation*

SEC. 14. Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this Act to enter the United States, or to have remained therein for a longer time than permitted under this Act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the Immigration Act of 1917: *Provided*, That the Secretary of Labor may, under such conditions and restrictions as to support and care as he may deem necessary, permit permanently to remain in the United States, any

alien child who, when under sixteen years of age was heretofore temporarily admitted to the United States and who is now within the United States and either of whose parents is a citizen of the United States.

*Maintenance of Exempt Status*

SEC. 15. The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), (5), or (6) of section 3, or declared to be a non-quota immigrant by subdivision (e) of section 4, shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clauses (2), (3), (4), or (6) of section 3, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States.

*Penalty for Illegal Transportation*

SEC. 16. (a) It shall be unlawful for any person, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (other than foreign contiguous territory) (1) any immigrant who does not have an unexpired immigration visa, or (2) any quota immigrant having an immigration visa the visa in which specifies him as a non-quota immigrant.

(b) If it appears to the satisfaction of the Secretary of Labor that any immigrant has been so brought, such person, or transportation company, or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the immigrant on whose account assessed. No vessel shall be granted clearance pending the determination of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

(c) Such sums shall not be remitted or refunded, unless it appears to the satisfaction of the Secretary of Labor that such person, and the owner, master, agent, charterer, and consignee of the vessel, prior to the departure of the vessel from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence, (1) that the individual transported was an immigrant, if the fine was imposed for bringing an immigrant without an unexpired immigration visa, or (2) that

the individual transported was a quota immigrant, if the fine was imposed for bringing a quota immigrant the visa in whose immigration visa specified him as being a non-quota immigrant.

*Entry from Foreign Contiguous Territory*

SEC. 17. The Commissioner General, with the approval of the Secretary of Labor, shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States from or through foreign contiguous territory. In prescribing rules and regulations and making contracts for the entry and inspection of aliens applying for admission from or through foreign contiguous territory due care shall be exercised to avoid any discriminatory action in favor of transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this Act which would apply were they bringing such aliens directly to ports of the United States. After this section takes effect no alien applying for admission from or through foreign contiguous territory (except an alien previously lawfully admitted to the United States who is returning from a temporary visit to such territory) shall be permitted to enter the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this Act, or that he entered, or has resided in, such territory more than two years prior to the time of his application for admission to the United States.

*Unused Immigration Visas*

SEC. 18. If a quota immigrant of any nationality having an immigration visa is excluded from admission to the United States under the immigration laws and deported, or does not apply for admission to the United States before the expiration of the validity of the immigration visa, or if an alien of any nationality having an immigration visa issued to him as a quota immigrant is found not to be a quota immigrant, no additional immigration visa shall be issued in lieu thereof to any other immigrant.

*Alien Seamen*

SEC. 19. No alien seaman excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Secretary of Labor may prescribe for the ultimate departure, removal, or deportation of such alien from the United States.

SEC. 20. (a) The owner, charterer, agent, consignee, or master of any

vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman (which inspection in all cases shall include a personal physical examination by the medical examiners), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary of Labor to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

(b) Proof that an alien seaman did not appear upon the outgoing manifest of the vessel on which he arrived in the United States from any place outside thereof, or that he was reported by the master of such vessel as a deserter, shall be prima facie evidence of a failure to detain or deport after requirement by the immigration officer or the Secretary of Labor.

(c) If the Secretary of Labor finds that deportation of the alien seaman on the vessel on which he arrived would cause undue hardship to such seaman he may cause him to be deported on another vessel at the expense of the vessel on which he arrived, and such vessel shall not be granted clearance until such expense has been paid or its payment guaranteed to the satisfaction of the Secretary of Labor.

(d) Section 32 of the Immigration Act of 1917 is repealed, but shall remain in force as to all vessels, their owners, agents, consignees, and masters, and as to all seamen, arriving in the United States prior to the enactment of this Act.

#### *Preparation of Documents*

SEC. 21. (a) Permits issued under section 10 shall be printed on distinctive safety paper and shall be prepared and issued under regulations prescribed under this Act.

(b) The Public Printer is authorized to print for sale to the public by the Superintendent of Public Documents, upon prepayment, additional copies of blank forms of manifests and crew lists to be prescribed by the Secretary of Labor pursuant to the provisions of sections 12, 13, 14, and 36 of the Immigration Act of 1917.

#### *Offenses in Connection with Documents*

SEC. 22. (a) Any person who knowingly (1) forges, counterfeits, alters, or falsely makes any immigration visa or permit, or (2) utters, uses, attempts to use, possesses, obtains, accepts, or receives any immigration visa or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have

been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or who, except under direction of the Secretary of Labor or other proper officer, knowingly (3) possesses any blank permit, (4) engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, (5) makes any print, photograph, or impression in the likeness of any immigration visa or permit, or (6) has in his possession a distinctive paper which has been adopted by the Secretary of Labor for the printing of immigration visas or permits, shall, upon conviction thereof, be fined not more than \$10,000, or imprisoned for not more than five years, or both.

(b) Any individual who (1) when applying for an immigration visa or permit, or for admission to the United States, personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name, or (2) sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, an immigration visa or permit, to any person not authorized by law to receive such document, shall, upon conviction thereof, be fined not more than \$10,000, or imprisoned for not more than five years, or both.

(c) Whoever knowingly makes under oath any false statement in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, shall, upon conviction thereof, be fined not more than \$10,000, or imprisoned for not more than five years, or both.

#### *Burden of Proof*

SEC. 23. Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws; and in any deportation proceeding against any alien the burden of proof shall be upon such alien to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigration visa, if any, or of other documents concerning such entry, in the custody of the Department of Labor.

#### *Rules and Regulations*

SEC. 24. The Commissioner General, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this Act; but all such rules and regulations, in so far as they relate to the administration of this Act by consular officers, shall be prescribed by the Secretary of State on the recommendation of the Secretary of Labor.

#### *Act to be in Addition to Immigration Laws*

SEC. 25. The provisions of this Act are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as a



part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this Act. An alien, although admissible under the provisions of this Act, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this Act, and an alien, although admissible under the provisions of the immigration laws other than this Act, shall not be admitted to the United States if he is excluded by any provision of this Act.

*Steamship Fines Under 1917 Act*

SEC. 26. Section 9 of the Immigration Act of 1917 is amended to read as follows:

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival for each and every violation of the provisions of this section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this Act, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$250, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien for whose account assessed. It shall also be unlawful for any

such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this Act because unable to read, or who is excluded by the terms of section 3 of this Act as a native of that portion of the Continent of Asia and the islands adjacent thereto described in said section, and if it shall appear to the satisfaction of the Secretary of Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed.

"If a fine is imposed under this section for the bringing of an alien to the United States, and if such alien is accompanied by another alien who is excluded from admission by the last proviso of section 18 of this Act, the person liable for such fine shall pay to the collector of customs, in addition to such fine but as a part thereof, a sum equal to that paid by such accompanying alien for his transportation from his initial point of departure indicated in his ticket, to the point of arrival, such sum to be delivered by the collector of customs to the accompanying alien when deported. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fines or of a bond with sufficient surety to secure the payment thereof, approved by the collector of customs: *Provided further*, That nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisos or exceptions to section 3 of this Act exempted from the excluding provisions of said section."

SEC. 27. Section 10 of the Immigration Act of 1917 is amended to read as follows:

"SEC. 10. (a) That it shall be the duty of every person, including owners, masters, officers, and agents of vessels of transportation lines, or international bridges or toll roads, other than railway lines which may enter into a contract as provided in section 23, bringing an alien to, or providing a means for an alien to come to, the United States, to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers. Any such person, owner, master, officer, or agent who fails to comply with the foregoing requirements shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than \$200 nor more than \$1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if

in the opinion of the Secretary of Labor, it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, such person, owner, master, officer, or agent shall be liable to a penalty of \$1,000, which shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

"(b) Proof that the alien failed to present himself at the time and place designated by the immigration officers shall be prima facie evidence that such alien has landed in the United States at a time or place other than as designated by the immigration officers."

#### *General Definitions*

SEC. 28. As used in this Act—

(a) The term "United States," when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Virgin Islands; and the term "continental United States" means the States and the District of Columbia;

(b) The term "alien" includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands under the jurisdiction of the United States;

(c) The term "ineligible to citizenship," when used in reference to any individual, includes an individual who is debarred from becoming a citizen of the United States under section 2169 of the Revised Statutes, or under section 14 of the Act entitled "An Act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, or under section 1996, 1997, or 1998 of the Revised Statutes, as amended, or under section 2 of the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, as amended, or under law amendatory of, supplementary to, or in substitution for, any of such sections;

(d) The term "immigration visa" means an immigration visa issued by a consular officer under the provisions of this Act;

(e) The term "consular officer" means any consular or diplomatic officer of the United States designated, under regulations prescribed under this Act, for the purpose of issuing immigration visas under this Act. In case of the Canal Zone and the insular possessions of the United States the term "consular officer" (except as used in section 24) means an officer designated by the President, or by his authority, for the purpose of issuing immigration visas under this Act;

(f) The term "Immigration Act of 1917" means the Act of February 5, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States";

(g) The term "immigration laws" includes such Act, this Act, and all

laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens;

(h) The term "person" includes individuals, partnerships, corporations, and associations;

(i) The term "Commissioner General" means the Commissioner General of Immigration;

(j) The term "application for admission" has reference to the application for admission to the United States and not to the application for the issuance of the immigration visa;

(k) The term "permit" means a permit issued under section 10;

(l) The term "unmarried," when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married;

(m) The terms "child," "father," and "mother," do not include a child or parent by adoption unless the adoption took place before January 1, 1924;

(n) The terms "wife" and "husband" do not include a wife or husband by reason of a proxy or picture marriage.

#### *Authorization of Appropriation*

SEC. 29. The appropriation of such sums as may be necessary for the enforcement of this Act is hereby authorized.

#### *Act of May 19, 1921*

SEC. 30. The Act entitled "An Act to limit the immigration of aliens into the United States," approved May 19, 1921, as amended and extended, shall, notwithstanding its expiration on June 30, 1924, remain in force thereafter for the imposition, collection, and enforcement of all penalties that may have accrued thereunder, and any alien who prior to July 1, 1924, may have entered the United States in violation of such Act or regulations made thereunder may be deported in the same manner as if such Act had not expired.

#### *Time of Taking Effect*

SEC. 31. (a) Sections 2, 8, 13, 14, 15, and 16, and subdivision (f) of section 11, shall take effect on July 1, 1924, except that immigration visas and permits may be issued prior to that date, which shall not be valid for admission to the United States before July 1, 1924. In the case of quota immigrants of any nationality, the number of immigration visas to be issued prior to July 1, 1924, shall not be in excess of 10 per centum of the quota for such nationality, and the number of immigration visas so issued shall be deducted from the number which may be issued during the month of July, 1924. In the case of immigration visas issued before July 1, 1924, the four-month period referred to in subdivision (c) of section 2 shall begin to run on July 1, 1924, instead of at the time of the issuance of the immigration visa.

(b) The remainder of this Act shall take effect upon its enactment.

(c) If any alien arrives in the United States before July 1, 1924, his right to admission shall be determined without regard to the provisions of this Act, except section 23.

*Saving Clause in Event of Unconstitutionality*

SEC. 32. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved, May 26, 1924.





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